



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

FRANCIS DEGRACIA, CHAIR
GERALD AKO, VICE CHAIR
JERRY ORNELLAS, MEMBER

RECEIVED

- The Planning Commission Meeting will be at:

25 JAN -8 P2:18

Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu'e, Kaua'i, Hawai'i

- Oral testimony will be taken on specific agenda items, at the public meeting location indicated on the meeting agenda.
- Written testimony indicating your 1) name or pseudonym, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, may be submitted on any agenda item in writing to planningdepartment@kauai.gov or mailed to the County of Kaua'i Planning Department, 4444 Rice Street, Suite 473, Līhu'e, Hawai'i 96766. Written testimony received by the Planning Department at least **24 hours prior** to the meeting will be posted as testimony to the Planning Commission's website prior to the meeting (<https://www.kauai.gov/Government/Boards-and-Commissions/Planning-Commission>). Any testimony received after this time will be retained as part of the record, but we cannot assure the Commission will receive it with sufficient time for review prior to the meeting.

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF BOARDS & COMMISSIONS AT (808) 241-4917 OR ADAVIS@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

SUBDIVISION COMMITTEE MEETING NOTICE AND AGENDA

Tuesday, January 14, 2025

8:00 a.m. or shortly thereafter

Līhu'e Civic Center, Moikeha Building

Meeting Room 2A-2B

4444 Rice Street, Līhu'e, Kaua'i, Hawai'i

RECEIVED

25 JAN -8 P2:18

PLANNING COMMISSION
SUBDIVISION COMMITTEE
Kaua'i

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

E. RECEIPT OF ITEMS FOR THE RECORD

F. UNFINISHED BUSINESS

G. NEW BUSINESS (For Action)

1. Preliminary Subdivision Map Approval

a. Subdivision Application No. S-2024-9

Inouye Family Trust, Et. Al.

Proposed 2-Lot Boundary Adjustment

TMKs: (4) 2-3-018: 015 and 036

Kalāheo, Kōloa, Kaua'i

1) Subdivision Report pertaining to this matter.

2. Preliminary Subdivision Extension Request

a. Subdivision Application No. S-2024-6

Kukui'ula Parcel HH Subdivision

BBCP Kukui'ula Infrastructure, LLC. /

MP Kaua'i HH Development Fund, LLC.

Proposed 3-Lot Consolidation and Resubdivision into 51-Lots

TMKs: (4) 2-6-019: 026, 029, and 031

Kōloa, Kaua'i

1) Subdivision Report pertaining to this matter.

b. Subdivision Application No. S-2023-1

Kukui'ula Parcel A2F2F3 Subdivision

BBCP Kukui'ula Development, LLC.

Proposed 31-Lot Subdivision

TMK: (4) 2-6-022: 020

Lāwa'i, Kōloa, Kona, Kaua'i

- 1) Subdivision Report pertaining to this matter.
- c. Subdivision Application No. S-2024-2
Moloa'a Farms, LLC. Et. Al.
Proposed 11-Lot Subdivision
TMK: (4) 4-9-009: 001
Moloa'a and Papa'a, Kawaihau, Kaua'i
- 1) Subdivision Report pertaining to this matter.
- d. Subdivision Application No. S-2024-4
**George and Patricia Souza Trust /
Kevin and Monique Souza Living Trust**
Proposed 2-Lot Consolidation and Resubdivision into 4-Lots
TMKs: (4) 4-2-010: 012 and 059
Wailua, Kawaihau, Kaua'i
- 1) Subdivision Report pertaining to this matter.
- e. Subdivision Application No. S-2019-8
Stephanie Fernandes
Proposed 5-Lot Subdivision
TMK: (4) 4-2-005: 044
Wailua, Kawaihau, Kaua'i
- 1) Subdivision Report pertaining to this matter.

3. Recertification of Final Subdivision Map Approval

- a. Subdivision Application No. S-97-45
Joseph H. Chu (Formerly Grove Farm Properties, Inc.)
Proposed 2-Lot Consolidation
TMKs: (4) 3-3-016: 062 and 063
Lihu'e, Puna, Kaua'i
- 1) Subdivision Report pertaining to this matter.

H. EXECUTIVE SESSION

Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with the County's legal counsel on questions, issues, status and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to the following matters:

1. Subdivision Application No. S-2024-9
Inouye Family Trust, Et. Al.
Proposed 2-Lot Boundary Adjustment
TMKs: (4) 2-3-018: 015 and 036
Koloa, Kaua'i

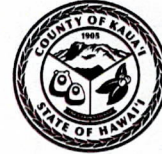
2. Subdivision Application No. S-2024-6
Kukui'ula Parcel HH Subdivision
**BBCP Kukui'ula Infrastructure, LLC. /
MP Kaua'i HH Development Fund, LLC.**
Proposed 3-Lot Consolidation and Resubdivision into 51-Lots
TMKs: (4) 2-6-019: 026, 029, and 031
Kōloa, Kaua'i
3. Subdivision Application No. S-2023-1
Kukui'ula Parcel A2F2F3 Subdivision
BBCP Kukui'ula Development, LLC.
Proposed 31-Lot Subdivision
TMK: (4) 2-6-022: 020
Lāwa'i, Kōloa, Kona, Kaua'i
4. Subdivision Application No. S-2024-2
Moloa'a Farms, LLC. Et. Al.
Proposed 11-Lot Subdivision
TMK: (4) 4-9-009: 001
Moloa'a and Papa'a, Kawaihau, Kaua'i
5. Subdivision Application No. S-2024-4
**George and Patricia Souza Trust /
Kevin and Monique Souza Living Trust**
Proposed 2-Lot Consolidation and Resubdivision into 4-Lots
TMKs: (4) 4-2-010: 012 and 059
Wailua, Kawaihau, Kaua'i
6. Subdivision Application No. S-2019-8
Stephanie Fernandes
Proposed 5-Lot Subdivision
TMK: (4) 4-2-005: 044
Wailua, Kawaihau, Kaua'i
7. Subdivision Application No. S-97-45
Joseph H. Chu (Formerly Grove Farm Properties, Inc.)
Proposed 2-Lot Consolidation
TMKs: (4) 3-3-016: 062 and 063
Līhu'e, Puna, Kaua'i

I. ADJOURNMENT

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

SUBDIVISION REPORT

I. SUMMARY

Action Required by Planning Commission: Consideration of Subdivision Application No. S-2024-9 involving a two (2) lot boundary adjustment.

Subdivision Permit No. Application No. S-2024-9

Name of Applicant(s) INOUYE FAMILY TRUST ET. AL.

II. PROJECT INFORMATION

Map Title	Consolidation of Parcels 15 and 36, Being Portions of Grant 7255 to Kapahu Kani, and Resubdivision of Said Consolidation into Lots A and B at Kalāheo, Kōloa, Kaua'i, Hawai'i.				
Tax Map Key(s):	2-3-018: 015 & 036	Area:	4.111 Acres		
Zoning:	Residential (R-4) / Agriculture (AG) / Open (O)				
State Land Use District(s):	Urban / Agricultural	General Plan Designation:	Residential Community		
AGENCY COMMENTS					
<input checked="" type="checkbox"/> COK Public Works	06.04.2024	<input type="checkbox"/> State DOT-Highways:			
<input checked="" type="checkbox"/> COK Water:	06.03.2024	<input checked="" type="checkbox"/> State Health:	05.13.204		
<input type="checkbox"/> Other(s)		<input type="checkbox"/> DLNR – SHPD:			
EXISTING ROAD RIGHT-OF-WAY(S)					
Road Name	Existing Width	Required Width	Pavement YES	NO	Reserve
Haupu Place	19 feet	44 feet	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
APPLICABLE FEES					
Environmental Impact Assessment (EIA)	N/A				
Park Dedication	N/A				
Appraisal Report Required	N/A				

G. I. A. I.

JAN 14 2025

III. EVALUATION

The proposed development redefines the boundaries between two (2) parcels identified as TMKs: (4) 2-3-018: 015 and 036. Currently, Parcel 15 contains approximately 3.143 acres and is situated within the County Agriculture (Ag) and Open (O) zoning districts, and State Land Use Agricultural District. Parcel 36 contains approximately 0.968 acres and is situated within the County Residential (R-4) zoning district, and State Land Use Urban District. The surrounding parcels to the north are within the County Residential (R-4) zoning district and the parcels to the south, east, and west are within the County Agriculture and Open zoning districts.

During the initial review of the subdivision proposal, the department could not definitively determine that Parcels 15 and 36 were lots of record. County tax records showed that the area encompassed by these parcels was originally a single tax parcel identified as TMK: (4) 2-3-008: 024. However, in 1970, Parcel 24 was dropped and subsequently became Parcels 15 and 36. In considering this, since tax parcels are primarily intended for taxation purposes, the department could not confirm the subject parcels as lots of record unless documentation was provided that indicated the parcels meet the definition of "Lot" as prescribed in Section 8-1.5 of the Comprehensive Zoning Ordinance (CZO), K.C.C., 1987, as amended, which states:



""Lot" means a portion of land shown as a unit on an approved and recorded Subdivision Map."

Consequently, the department requested that Preliminary Subdivision Map Approval for this application be conducted in two phases. Part I required the applicant to submit a recorded subdivision map and/or deeds confirming that Parcels 15 and 36 are recognized as lots of record. This requirement is detailed in Condition 1.a. of the Tentative Approval Letter for the subject subdivision application, dated June 5, 2024 (see Exhibit 'A'). Part II of the approval, including compliance with all agencies' conditions, would proceed upon receipt of the necessary documentation. In accordance with the department's request, on June 4, 2024, the Kaua'i Planning Commission granted Part I of the Preliminary Subdivision Map Approval for this application.

In researching this matter further, the department was able to obtain documentation that verified the subdivision that created the boundaries of Parcels 15 and 36. The findings indicated that these boundaries were established through Subdivision #6, also known as the Inouye Subdivision, that was approved by the County of Kaua'i Board of Supervisors in 1956, which is attached for reference (see Exhibit 'B'). Based on this information, the department has determined that Parcels 15 and 36 are lots of record.

As a result of the findings, Condition 1.a. of the Tentative Approval Letter dated June 5, 2024, is considered satisfied. In accordance with Condition 1.a. and 1.b. of the letter, this current proposal seeks consideration for Part II of Preliminary Subdivision Map Approval, which includes compliance with all agencies' conditions.

IV. RECOMMENDATION

TENATIVE APPROVAL	FINAL APPROVAL
<input checked="checked" type="checkbox"/> Approval <input type="checkbox"/> Denied	<input type="checkbox"/> Approval <input type="checkbox"/> Denied
Tentative Approval subject to all requirements as noted on the follow pages: 	All conditions have been complied with
Director of Planning 	Director of Planning
Date 1/3/2025	Date

V. AGENCY REQUIREMENTS

1. Requirements of the Planning Department:

- a. An updated preliminary title report for each existing lot shall be submitted to the Planning Department for review.
- b. All existing and proposed easements, if any, shall be identified in the deed descriptions of the affected lots, draft copies of which shall be submitted to the Planning Department for review and approval.
- c. Pursuant to Section 9-3.8(b) of the Subdivision Ordinance, Kaua'i County Code (1987), the Applicant shall submit to the Planning Department an electronic record (digitized format) of the final subdivision map(s) on disk for record keeping purposes prior to final subdivision approval.
- d. Proposed Lot A is split zoned County Agriculture District and Open District. The applicant shall delineate on the final subdivision map the zoning boundary line between the Agriculture District and Open District with metes and bounds descriptions.
- e. The applicant is advised that uses on the newly-created lot (Lot A) shall be limited to those listed as permissible uses within the "A" Agricultural District in the State Land Use Commission Rules and Regulations. Dwellings on the lot shall mean a single-family dwelling located on and used in connection with a farm where agriculture activity provides income to the family occupying the dwelling. These restrictions shall be included in the covenants for the proposed lots, draft copies of which shall be submitted to the Planning Department for review and approval.
- f. Prior to final subdivision approval, the Applicant shall work with the Planning Department and Department of Public Works to determine whether a future road widening reserve along Haupu Place is necessary. If it is determined necessary, a future road widening reserve shall be established along the frontage of Haupu Place subject to the specifications

of the Public Works Department. There shall be no new structures permitted within the reserve, and any new structures should be setback from the reserve. The reserve, along with the restrictions, shall be incorporated into the deed descriptions of the affected lots, of which draft copies shall be submitted to the Planning Department for review and approval.

2. Requirements of the Department of Water (DOW):

- a. Pay the Department of Water the following charges in effect at the time of receipt. At the present time, these charges include:

1) A Facilities Reserve Charge (FRC) = \$14,115

- b. Prepare and receive DOW's approval of construction drawings for the necessary water system facilities and either construct said facilities (receive a Certification of Completion) or post a performance bond for construction. These facilities shall also include:

1) The domestic service connection.

2) A water main extension. The size and length of the water main extension will be dependent on the additional information provided. Additional information shall include but not limited to the required domestic and fire flow demands, the proposed location of the water meter requested and the elevation of said location.

3) The fire service connection.

4) The interior plumbing with appropriate backflow prevention, if applicable.

- c. Prepare and convey to the DOW a Right-of-Entry and Temporary Grant of Easement for the purpose of construction, repair, maintenance, and operation of the subdivision water system improvements installed in other than County-owned property.

- d. If a bond is filed, to secure final subdivision approval, the subdivider shall clearly letter the following on the approved construction plans, final subdivision map, and deeds:

"Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kaua'i."

This deed restriction shall be recorded with the Bureau of Conveyances within ninety (90) days of final subdivision approval by the Planning Department.

- e. Locate and show existing water meters (with appropriate meter numbers) on the subdivision map for the DOW's review and approval. Also, identify the proposed subdivision lot the existing water meters will be assigned to. The DOW comments may change depending on the approved subdivision map.

- f. Domestic and fireflow water demands as recommended by the DOW's Water System Standards may be inadequate to any or all parcels within this subdivision; however, the required improvements to the DOW's water system may be deferred if full disclosure is made to existing and all future property owners through the appropriate deeds of ownership, restrictive covenants, or any other instruments of conveyance unless certain water facilities have been constructed and installed in accordance with the requirements of the DOW, County of Kauai and applicable facilities reserve charges or special charges have been paid in full.

3. Requirements of the Department of Health (DOH):

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
3. Standard comments for the Clean Air Branch are at:
<https://health.hawaii.gov/epo/landuse/>.

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standard-comments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple

or other agricultural products.

2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, 11-504.
2. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of: 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H and 342I, and HAR Chapters 11-58.1, and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program - The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during

construction.

4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

By Revised Statute 11-62-31.1, if the parcel is less than 10,000 square feet, an individual onsite waste-water unit may be possible for future construction. Please contact Sina Pruder at DOH Waste-Water Branch at 808-586-4288 for further information. For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation/ Local DOH Comments:

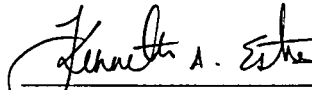
1. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
2. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure, place, or vacant lot without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure, site, or vacant lot. A demolition or land clearing permit is required prior to demolition or clearing.

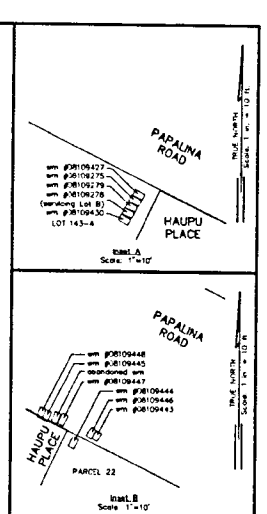
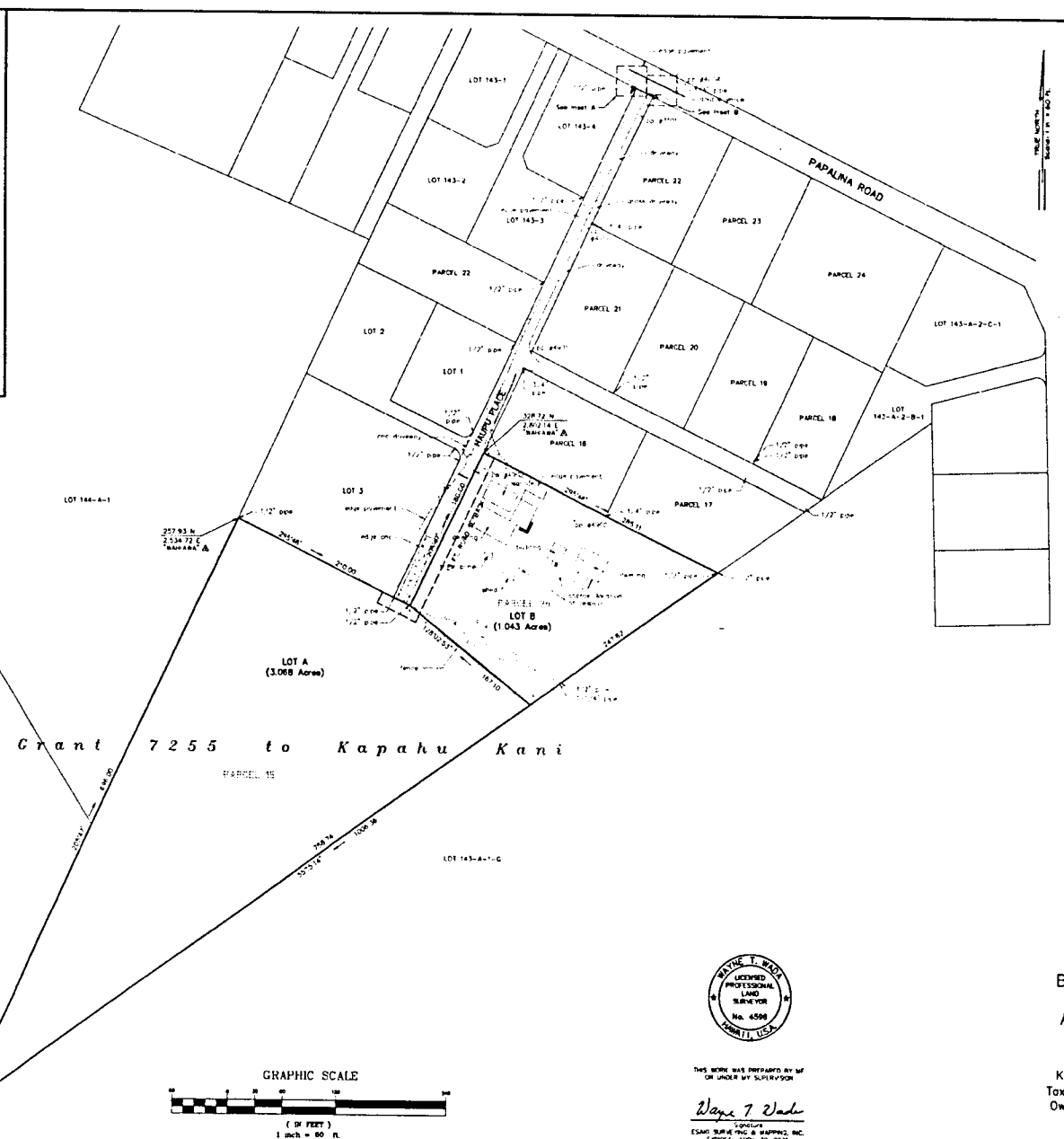
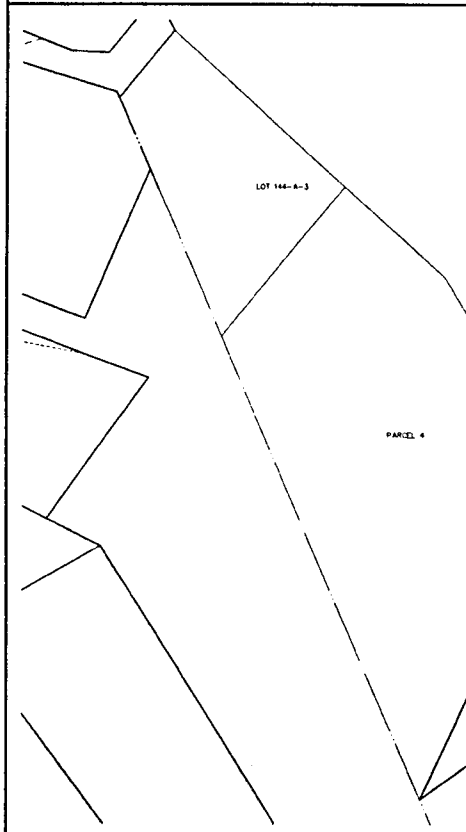
Other

1. CDC—Healthy Places—Healthy Community Design Checklist Toolkit recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Kauai District Health Office at 808-241-3495.
4. Should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the applicant shall contact the State Department of Land and Natural Resources, Historic Preservation Division to determine mitigation measures.
5. The Applicant is advised that prior to and/or during construction and use additional conditions may be imposed by government agencies. Should this occur, the applicant shall resolve these conditions with the respective agency(ies).

The Planning Commission is further advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process scheduled for JANUARY 14, 2025, whereby the entire record should be considered prior to decision-making. The entire record should include but not be limited to:

- a. Pending government agency comments;
- b. Testimony from the general public and interested others; and
- c. The Applicant's response to staff's report and recommendation as provided herein.

By  _____
KENNETH A. ESTES, PLANNER



PRELIMINARY
CONSOLIDATION OF
PARCELS 15 AND 36
Being Portions of Grant
7255 to Kapahu Kani
AND RESUBDIVISION
OF SAID CONSOLIDATION
INTO LOTS A AND B
KALĀHEO, KŌLOA, KAUAI, HAWAII
Tax Map Key: (4) 2-3-18: 15 & 36
Owners: Inouye Family Trust, et. al.
Date: March 26, 2024



THIS WORK WAS PREPARED BY
ON UNDER MY SUPERVISION

Wayne T. Wade
Signature
ES&M SURVEYING & MAPPING, INC.
FARMERS, ALABAMA 36504

Job Number: 20-242 BF 174
Drawing No. 20-242 SUBDIVISION deg

ESAKI SURVEYING & MAPPING, INC.
Civil Engineers - Land Surveyors - Planners

1610 Holakung Street
Lima, Peru 9676

LOCATION MAP

SUBDIVISION NO. S-2024-9

INOUYE FAMILY TRUST ET AL.



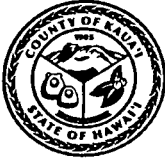
Owners, lessees, & vendees name recorded on this tax map print may not be current. Please refer to computer and history sheets for current owners.

**FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE**

DEPARTMENT OF TAXATION PROPERTY TECHNICAL OFFICE TAX MAPS BRANCH STATE OF HAWAII TAX MAP		
FOURTH TAXATION DISTRICT		
ZONE	SEC.	PLAT
2	3	18
SCALE 1 IN. = 100 FT.		

Exhibit 'A'

(Tentative Approval Letter dated June 5, 2024)



PLANNING COMMISSION

KAAINA S. HULL, CLERK OF COMMISSION

DONNA APISA, CHAIR
GERALD AKO, VICE CHAIR
HELEN COX, MEMBER
FRANCIS DEGRACIA, MEMBER
GLENDA NOGAMI STREUFERT,
MEMBER
JERRY ORNELLAS, MEMBER
LORI OTSUKA, MEMBER

June 05, 2024

Mr. Wayne T. Wada
Esaki Surveying & Mapping, Inc.
1610 Haleukana Street
Līhu'e, Hawai'i 96766

Subject: Consolidation of Parcels 15 and 36 being portions of Grant 7255 to Kapahu Kani and resubdivision of said consolidation into Lots A and B at Kalāheo, Kōloa, Kaua'i, Hawai'i. (S-2024-9, Inouye Family Trust, et al.)

Dear Mr. Wada,

The subject subdivision was granted **PRELIMINARY SUBDIVISION MAP APPROVAL** by the Planning Commission at their meeting held on JUNE 04, 2024. Final approval will be granted subject to the following conditions:

1. Requirements of the County Planning Department:
 - a. The Applicant is made aware that in order to approve the tentative action for the proposed "Consolidation and Resubdivision", the Planning Department is requesting the Applicant provide a recorded subdivision map and/or deeds that indicate that Parcel 15 and Parcel 36 are lots of record.

Furthermore, Part II of the Tentative Approval with all agencies' conditions will be imposed upon submittal of the recorded subdivision map and/or deeds required under this condition.
 - b. The Applicant shall be informed that the tentative approval for Part II will be processed through the Planning Commission within 30 days or the next available Planning Commission Meeting upon compliance with Condition No. 1.a.
 - c. If the Applicant fails to provide the recorded subdivision map and/or deeds as required in Condition 1.a. within 6 months from the date of the June 04, 2024, Planning Commission Meeting, this application (Subdivision Application No. S-2024-9) shall become null and void as determined by the Planning Director.

Mr. Wayne T. Wada
Esaki Surveying & Mapping, Inc.
S-2024-9, Inouye Family Trust, et al.
Page | 2

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Ka'Āina S. Hull', with a large, sweeping initial 'K' and a stylized 'H'.

KA'ĀINA S. HULL
Clerk, Kaua'i Planning Commission

xc: COK Public Works Dept.
COK Water Dept.
COK Fire Dept.
COK Housing Agency
COK Real Property – Assessment Div.
State Dept. of Health

Exhibit 'B'

(Subdivision #6)

SUBDIVISION# "6"

**Sub. portion of Lot 143, Kalaheo Homesteads,
2nd Series (Inouye Sub.)**

TMK: 2-3-008

Owner: Matsuko Taguma

April 6, 1956

Mr. Norito Kawakami
Lihue, Kauai, T. H.

Dear Sir:

The map submitted by you under date of
October 21, 1955, for the Inouye Subdivision (Lot
143) at Kalaheo has been approved by the Board of
Supervisors.

Please present same to Acting Chairman
George K. Watase for his signature.

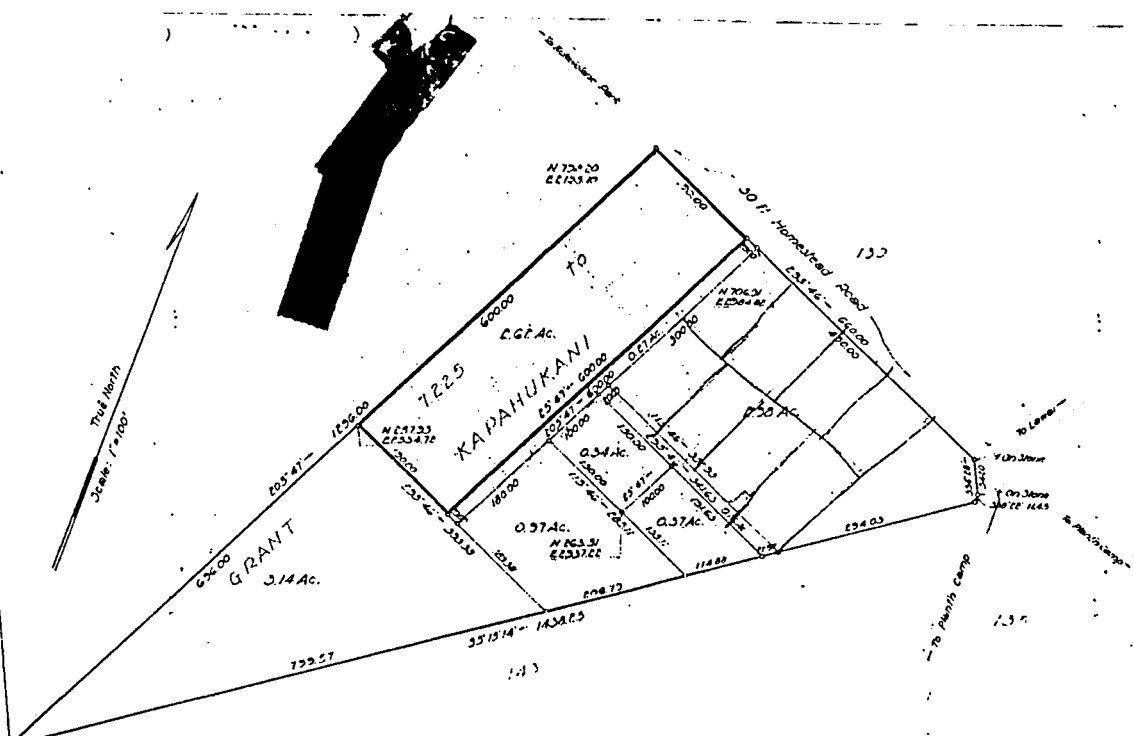
Very sincerely,

County Clerk, County of Kauai.

k

PA-1436
4/4/56
Valued Page 372

- 6 -



Y on Stone
Y on Stone

Note: a designates pipes unless otherwise noted.
Coordinates referred to Wahiawae Meridian.

This map is from an actual survey made on the ground
by the undersigned on February 23, 1943, and may be
checked in my field book No. 3 and calculation book No. 4.
R. S. J. J. J. J. J.
Registered Professional Surveyor
Certificate No. 216-3
Kalaheo, Kauai, T. H.



**PORTION OF LOT 143
KALAHEO HOMESTEADS
SECOND SERIES
KALAHEO, KONA, KAUAI**
Scale: 1 inch = 100 feet.
True Aug 2-2-46

PHONE: MANAPEPE 4-6245 - 4-6612

NORITO KAWAKAMI
ATTORNEY AT LAW
P. O. BOX 626
LIHUE, KAUAI, HAWAII

PHONE: LIHUE 2-2631 - 2708

Hed
October 21, 1955

Board of Supervisors,
County of Kauai
Lihue, Kauai, Hawaii

Gentlemen:

Submitted herewith for your approval under the provisions of Act 271 of the Session laws of 1951, are five (5) maps and descriptions of a subdivision of a portion of Lot 143 of Kalaheo Homesteads, second series at Kalaheo, Kauai.

Action at your earliest convenience will be greatly appreciated.

Very truly yours,


Norito Kawakami

NK:een

Enclosures (5)

PA 1436

12/7/55

Vol 14 Page 285

Map approved. Public Works Committee Report, P.A. 1859, Vol 14 Page 372

29

December 12, 1955

Mr. Norito Kawakami
Attorney at Law
Lihue, Kauai, T. H.

Dear Sir:

The map submitted with your letter of October 21, 1955, for the subdivision of a portion of Lot 143, Kalaheo Homesteads, Second Series, has been referred by the Board of Supervisors to its Public Works Committee which is headed by Supervisor Tsuneto Kunitura for a report.

Very sincerely,

County Clerk, County of Kauai.

k

OPA-1436

12/8/55

Valued Copy 284.25

Exhibit 'C'

(Agency Comments)



County of Kaua'i
Planning Department
4444 Rice St., Suite A473 Lihue, HI 96766
(808) 241-4050

FROM: Kaaina S. Hull, Director

Planner: Kenneth Estes

5/15/2024

SUBJECT: Consolidation of Parcels 15 and 36 Being Portions of Grant 7255 to Kapahu Kani and Resubdivision of said Consolidation into Lots A and B at Kalaheo, Koloa, Kauai Hawaii.
Tax Map Key: 4230180150000 & 4230180360000
Applicant: Lynette Helmstetler, Inouye Family Trust, et. al., Sandra Erickson Trust, et. al.

TO:

- | | |
|--|--|
| <input type="checkbox"/> State Department of Transportation - STP | <input checked="" type="checkbox"/> County DPW - Engineering |
| <input type="checkbox"/> State DOT - Highways, Kauai (info only) | <input checked="" type="checkbox"/> County DPW - Wastewater |
| <input type="checkbox"/> State DOT - Airports, Kauai (info only) | <input type="checkbox"/> County DPW - Building |
| <input type="checkbox"/> State DOT - Harbors, Kauai (info only) | <input type="checkbox"/> County DPW - Solid Waste |
| <input checked="" type="checkbox"/> State Department of Health | <input type="checkbox"/> County Department of Parks & Recreation |
| <input type="checkbox"/> State Department of Agriculture | <input checked="" type="checkbox"/> County Fire Department |
| <input type="checkbox"/> State Office of Planning | <input checked="" type="checkbox"/> County Housing Agency |
| <input type="checkbox"/> State Dept. of Bus. & Econ. Dev. Tourism | <input type="checkbox"/> County Economic Development |
| <input type="checkbox"/> State Land Use Commission | <input checked="" type="checkbox"/> County Water Department |
| <input checked="" type="checkbox"/> State Historic Preservation Division | <input type="checkbox"/> County Civil Defense |
| <input type="checkbox"/> State DLNR - Land Management | <input checked="" type="checkbox"/> County Transportation Agency |
| <input type="checkbox"/> State DLNR - Forestry & Wildlife | <input type="checkbox"/> KHPRC |
| <input type="checkbox"/> State DLNR - Aquatic Resources | <input checked="" type="checkbox"/> U.S. Postal Department |
| <input type="checkbox"/> State DLNR - Conservation & Coastal Lands | <input type="checkbox"/> UH Sea Grant |
| <input type="checkbox"/> Office of Hawaiian Affairs | <input type="checkbox"/> Other: |

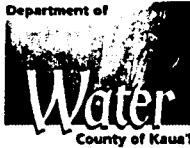
COMMENTS from DPW Engineering (6/4/2024):

We have no comments for the proposed boundary adjustment.

Sincerely,

Digitally signed by Michael
Moule
Date: 2024.06.04 09:26:19 -10'00'

Michael Moule, P.E.
Chief, Engineering Division



4398 PUA LOKE STREET
LIHU'E, KAUAI, HAWAII 96766
PHONE: (808) 245-5400

Water has no substitute.....Conserve it!

SUBDIVISION REPORT

TO: PLANNING DEPARTMENT
FROM: DEPARTMENT OF WATER

TMK: 2-3-018:015; Sandra Erickson Trust et. al;
2-3-018:036 NAME: Inouye Family Trust, et. al; Esaki
Lynette Helmstetler SURVEYOR: Surveying REPORT NO: S-2024-9

1. Tentative approval is recommended. ☒
Water Requirements are not affected. Tentative approval is recommended. ☐
2. All requirements have been fully met and; therefore, Final approval is recommended. ☐
3. Before final approval can be recommended, the subdivider must: ☐
 - A. Pay the Department of Water the following charges in effect at the time of receipt. At the present time, these charges include: ☐
 - 1) The Facilities Reserve Charge (FRC): ☒
1 Lot @ \$14,115 per lot = \$14,115
(per 5/8-inch water meter)
 - 2) Payment to install _____, or relocate _____, service connections(s) at the fixed cost of \$ _____. If the subdivider causes a delay in the service connection installation after one year since final map approval, the subdivider shall be charged the increase in the fixed cost, if any. ☐
 - 3) Deposit (the subdivider will either be billed or returned the difference between this deposit and the actual cost of construction of \$ _____ for construction by the Department of Water. ☐
 - B. Submit to the Department of Water (DOW) a copy of the subdivider's permit to perform work upon a State highway from the State Highways Division ☐
 - C. Prepare and receive DOW's approval of construction drawings for the necessary water system facilities and either construct said facilities (receive a Certification of Completion) or post a performance bond for construction. These facilities shall also include: ☒
 - 1) The domestic service connection.
 - 2) A water main extension. The size and length of the water main extension will be dependent on the additional information provided. Additional information shall include but not limited to the required domestic and fire flow demands, the proposed location of the water meter requested and the elevation of said location.
 - 3) The fire service connection.
 - 4) The interior plumbing with appropriate backflow prevention, if applicable.
 - D. Prepare and convey to the DOW a Right-of-Entry and Temporary Grant of Easement for the purpose of construction, repair, maintenance, and operation of the subdivision water system improvements installed in other than County-owned property. ☒
 - E. If a bond is filed, to secure final subdivision approval, the subdivider shall clearly letter the following on the approved construction plans, final subdivision map, and deeds: ☒
"Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai."
This deed restriction shall be recorded with the Bureau of Conveyances within ninety (90) days of final subdivision approval by the Planning Department.
4. Installation of service connections will not be required until a request for water service is made. The applicant for service will be charged the applicable service connection charges at that time. ☐
5. Other (or remarks): ☒
 1. Locate and show existing water meters (with appropriate meter numbers) on subdivision map for DOW's review and approval. Also, identify the proposed subdivision lot the existing water meters will be assigned to. The DOW comments may change depending on the approved subdivision map.
 2. Domestic and fireflow water demands as recommended by the DOW's Water System Standards may be inadequate to any or all the parcels within this subdivision; however, the required improvements to the DOW's water system may be deferred if full disclosure is made to existing and all future property owners through the appropriate deeds of ownership, restrictive covenants, or any other instruments of conveyance unless certain water facilities have been constructed and installed in accordance with the requirements of the DOW, County of Kauai and applicable facilities reserve charges or special charges have been paid in full.

Regina Reyes-Flores

Regina Claire Reyes-Flores
Water Resources & Planning Division

Jun 3, 2024

Date

SUBDIVISION REPORT NO. S-2024-9



County of Kaua'i
Planning Department
4444 Rice St., Suite A473 Lihue, HI 96766
(808) 241-4050

FROM: Kaaina S. Hull, Director

Planner: Kenneth Estes

4/12/2024

SUBJECT: Consolidation of Parcels 15 and 36 Being Portions of Grant 7255 to Kapahu Kani and Resubdivision of said Consolidation into Lots A and B at Kalaheo, Koloa, Kauai Hawaii.
Tax Map Key: 4230180150000 & 4230180360000
Applicant: Lynette Helmstetler, Inouye Family Trust, et. al., Sandra Erickson Trust, et. al.

TO:

- ☐ State Department of Transportation - STP
- ☐ State DOT - Highways, Kauai (info only)
- ☐ State DOT - Airports, Kauai (info only)
- ☐ State DOT - Harbors, Kauai (info only)
- ☒ State Department of Health
- ☐ State Department of Agriculture
- ☐ State Office of Planning
- ☐ State Dept. of Bus. & Econ. Dev. Tourism
- ☐ State Land Use Commission
- ☒ State Historic Preservation Division
- ☐ State DLNR - Land Management
- ☐ State DLNR - Forestry & Wildlife
- ☐ State DLNR - Aquatic Resources
- ☐ State DLNR - Conservation & Coastal Lands
- ☐ Office of Hawaiian Affairs

- ☒ County DPW - Engineering
- ☒ County DPW - Wastewater
- ☐ County DPW - Building
- ☐ County DPW - Solid Waste
- ☐ County Department of Parks & Recreation
- ☒ County Fire Department
- ☒ County Housing Agency
- ☐ County Economic Development
- ☒ County Water Department
- ☐ County Civil Defense
- ☒ County Transportation Agency
- ☐ KHPRC
- ☒ U.S. Postal Department
- ☐ UH Sea Grant
- ☐ Other:

RECEIVED
APR 12 2024
County of Kauai
Transportation Agency

FOR YOUR COMMENTS (pertaining to your department) (Due Date 06/04/2024)

5/10/2024

CTA HAS NO FURTHER COMMENT ON THIS PROJECT.

MAHALO!



County of Kauai
Planning Department
4444 Rice St., Suite A473 Lihue, HI 96766
(808) 241-4050

MAY 15 '24 PM 12:59
PLANNING DEPT

FROM: Kaaina S. Hull, Director

Planner: Kenneth Estes

4/12/2024

SUBJECT: Consolidation of Parcels 15 and 36 Being Portions of Grant 7255 to Kapahu Kani and Resubdivision of said Consolidation into Lots A and B at Kalaheo, Koloa, Kauai Hawaii.
Tax Map Key: 4230180150000 & 4230180360000
Applicant: Lynette Helmstetler, Inouye Family Trust, et. al., Sandra Erickson Trust, et. al.

TO:

- | | |
|--|--|
| <input type="checkbox"/> State Department of Transportation - STP | <input checked="" type="checkbox"/> County DPW - Engineering |
| <input type="checkbox"/> State DOT - Highways, Kauai (info only) | <input checked="" type="checkbox"/> County DPW - Wastewater |
| <input type="checkbox"/> State DOT - Airports, Kauai (info only) | <input type="checkbox"/> County DPW - Building |
| <input type="checkbox"/> State DOT - Harbors, Kauai (info only) | <input type="checkbox"/> County DPW - Solid Waste |
| <input checked="" type="checkbox"/> State Department of Health | <input type="checkbox"/> County Department of Parks & Recreation |
| <input type="checkbox"/> State Department of Agriculture | <input checked="" type="checkbox"/> County Fire Department |
| <input type="checkbox"/> State Office of Planning | <input checked="" type="checkbox"/> County Housing Agency |
| <input type="checkbox"/> State Dept. of Bus. & Econ. Dev. Tourism | <input type="checkbox"/> County Economic Development |
| <input type="checkbox"/> State Land Use Commission | <input checked="" type="checkbox"/> County Water Department |
| <input checked="" type="checkbox"/> State Historic Preservation Division | <input type="checkbox"/> County Civil Defense |
| <input type="checkbox"/> State DLNR - Land Management | <input checked="" type="checkbox"/> County Transportation Agency |
| <input type="checkbox"/> State DLNR - Forestry & Wildlife | <input type="checkbox"/> KHPRC |
| <input type="checkbox"/> State DLNR - Aquatic Resources | <input checked="" type="checkbox"/> U.S. Postal Department |
| <input type="checkbox"/> State DLNR - Conservation & Coastal Lands | <input type="checkbox"/> UH Sea Grant |
| <input type="checkbox"/> Office of Hawaiian Affairs | <input type="checkbox"/> Other: |

FOR YOUR COMMENTS (pertaining to your department) (Due Date 06/04/2024)



STATE OF HAWAII
DEPARTMENT OF HEALTH
3040 Umi St. Lihue
Hawaii 96766

DATE: May 13, 2024

TO: To whom it may concern

FROM: Ellis Jones
District Environmental Health Program Chief

SUBJECT: RESPONSE_Lynette Helmstetler_S-2024-9

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.

3. Standard comments for the Clean Air Branch are at:
<https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55:
<https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standardcomments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at:
<https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, 11-504.
2. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of: 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related the Safe Drinking Water program:
<https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at:
<https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H and 342I, and HAR Chapters 11-58.1, and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the

electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.

3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at:
<https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

By Revised Statute 11-62-31.1 If the parcel is less than 10,000sq feet, an individual onsite waste-water unit may not be possible for future construction. Please contact Sina Pruder at the DOH waste-water branch at 808-586-4288 for further information. For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
2. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure, place, or vacant lot without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure, site, or vacant lot. A demolition or land clearing permit is required prior to demolition or clearing.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Kauai District Health Office at 808-241-3492.

Ellis Jones

Ellis Jones

District Environmental Health Program Chief
Office Phone: (808) 241-3326

COUNTY OF KAUAI
PLANNING DEPARTMENT

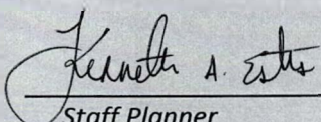
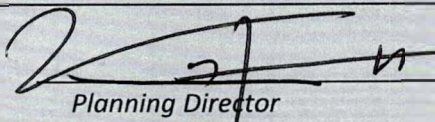
TO: Subdivision Committee, Planning Commission

SUBJECT: Extension Request

PURPOSE: ☒ File Final Subdivision Maps
☐ Complete Subdivision Improvements
☐ Other: _____

Subdivision Application No.		Applicant(s)	
S-2024-6		BBCP Kukui'ula Infrastructure, LLC. MP Kaua'i HH Development Fund, LLC.	
Location:	Kōloa	Tax Map Key:	(4) 2-6-019: 026, 029, 031
Extension Request No. (1st, 2nd, etc.)		Tentative Approval Granted On:	Previous Ext. Expired On:
1st		January 09, 2024	N/A
Subdivision Bonded: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Deadline to Complete Improvements: Not Applicable	

APPLICANT'S REASONS: Additional time is being requested to comply with the conditions/requirements of tentative approval. The Applicant is currently with the various reviewing agencies in resolving the required infrastructure improvements for the subdivision.

PLANNING DEPARTMENT EVALUATION & RECOMMENDATION	
EVALUATION: Please refer to next page...	
RECOMMENDATION: Please refer to next page...	
<div style="display: flex; align-items: center; justify-content: center;"><div style="text-align: center;"> Staff Planner</div><div style="margin-left: 20px; text-align: center;">01.03.2025 Date</div></div>	
<input checked="" type="checkbox"/> Approved and Recommended to Planning Commission	<input type="checkbox"/> Denied
Comments: <div style="display: flex; align-items: center; justify-content: center; margin-top: 20px;"><div style="text-align: center;"> Planning Director</div><div style="margin-left: 20px; text-align: center;">1/3/2025 Date</div></div>	

G.2.a.1.
JAN 14 2025

COUNTY OF KAUAI PLANNING DEPARTMENT

Extension requests are primarily processed for the purpose of continuing a tentative approval for a subdivision application. An extension approval allows an applicant additional time to comply with the requirements in order to obtain final subdivision approval.

In determining whether additional time should be granted, an evaluation is made of the project's progress as well as compliance with the requirements of tentative approval. The evaluation is primarily based on determining whether the applicant is **progressively working** towards obtaining final subdivision approval with the various reviewing agencies. The **tentative approval conditions** are then re-evaluated to determine whether the conditions/requirements are adequate to address the impacts of the proposed development in consideration of the time that has lapsed.

Pending evaluation of an extension request, one of the following can occur:

1. The extension is approved without changes to the tentative approval requirements;
2. The extension is approved with modified time frames but no modifications or additions to the tentative approval requirements;
3. The extension is approved with modifications and/or additions to the requirements; and
4. The extension is denied.

EXTENSION REQUEST:

The Applicant is requesting an extension of time to file the final subdivision map with the Planning Department pursuant to Section 9-3.8(c)(1) of the Subdivision Ordinance, Kauai County Code (1987), as amended. This application was granted Preliminary Subdivision Map Approval by the Planning Commission on January 09, 2024, and the Applicant's extension request is the **first** extension of the tentative approval. Please refer to the Applicant's request letter dated December 18, 2024, enclosed as Exhibit 'A'.

FINDINGS/BACKGROUND:

The proposed development establishes forty-seven (47) lots within the County Residential (R-10) zoning district, one (1) roadway lot (Lot 48), one remnant Lot (Lot 50), proposed Lot 49 that encompasses The Club at Kukui'ula facility, and proposed Lot 51 that encompasses the Kukui'ula golf course.

The subject property is located on the *makai* side of the Ala Kukui'ula with its southern boundary being immediately adjacent to Lāwa'i Road. It is noted that the proposed residential lots are outside of the Special Management Area (SMA); however, proposed Lots 50 and 51 have portions of the lots that are within the SMA. Any new "development", as defined in Section 1.4 of the SMA Rules and Regulations of

the County of Kaua'i, may require an SMA Permit and if so, the applicant is subject to all applicable requirements/conditions of the permit.

In considering the project, it is noted that the Public Path and Trails Exhibit dated October 2020 identifies the proposed subdivision as part of the trail system within the Kukui'ula planned community. Prior to final subdivision approval, the Application will be required to resolve with the Planning Department the provision of public access that would be consistent with the previously approved public path and trails plan for Kukui'ula.

PROGRESS OF THE SUBDIVISION:

As represented, the Applicant has been working to resolve the various conditions of tentative approval. Currently, the Applicant has prepared construction plans for subdivision improvements and the plans are awaiting agency review and approvals which has consumed much of the time. Since it is uncertain as to when all of the agency comments will be met, the Applicant is requesting additional time to complete the subdivision. The additional time allows the Applicant to meet all of the requirements of government agencies.

Based on the foregoing circumstances, the Applicant's reasons are justifiable and no problems are foreseen in granting the extension request. The Departments of Public Works and Water have no objections to the request.

Additionally, the Applicant should demonstrate further progress with the subdivision within one (1) year from the approval of this extension request. As such, the Applicant shall be made aware that in further considering extension requests involving the proposed development, the Applicant shall continue to submit to the Planning Department an updated status report on the subdivision with a detailed time chronology on the progress of the tentative approval requirements. The status report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date in order to allow sufficient time to evaluate whether progress have been made and conditions satisfied.

RECOMMENDATION:

It is recommended that an extension until **JANUARY 09, 2026**, be granted to obtain final subdivision approval. However, the Applicant is made aware that an updated status report on the subdivision with a detailed time chronology on the progress of the tentative approval requirements shall be submitted to the Planning Department for review for further extensions requests. The status report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date.

Exhibit 'A'

(Applicant's Extension Request Letter dated December 18, 2024)



McCORRISTON MILLER MUKAI MACKINNON LLP
ATTORNEYS AT LAW

Laurel Loo, Partner
ll@m4law.com

December 18, 2024

Ka'aina Hull, Director of Planning
Kaua'i County Department of Planning
4444 Rice Street, Suite A473
Lihu'e, Hawai'i 96766

Via hand delivery

Re: Request For an Extension of Time to File
Final Subdivsion Map for S-2024-6

Dear Director Hull,

We would like to request from the Planning Department and the Planning Commission a time extension of one year to file the final subdivision map for subdivsion application S-2024-6. This request is being made in accordance with Kauai County Code, Section 9-3.8(c)(1), which requires the applicant to timely file a final map or request an extension of time. The construction plans are under agency(ies) review and given the uncertainty of time in the regulatory review process, we make this request in an abundance of caution as to not expire the approved preliminary map.

For your and the Commision's consideration, below is the status of the condtions we are addressing:

Condition 1

- a. Title Report previously submitted with Letter of Authorization.
- b. Acknowledged. Draft copies of easement deeds will be submitted to Planning Department upon approval of Construction Plans.
- c. Acknowledged.
- d. Acknowledged.
- e. Acknowledged.
- f. Acknowledged.
- g. Acknowledged.
- h. Acknowledged.
- i. Acknowledged.
- j. Acknowledged.

- k. Acknowledged.
- l. Acknowledged.
- m. Acknowledged.
- n. Acknowledged.

Condition 2

- a. Acknowledged.
- b. Acknowledged.
- c. Acknowledged.

Condition 3

- a. Acknowledged.

Condition 4

- a. **Clean Air Branch**
 - 1. Acknowledged.
 - 2. Acknowledged.
 - 3. Acknowledged.
- b. **Clean Water Branch**
 - 1. Acknowledged.
- c. **Hazard Evaluation & Emergency Response Office**
 - 1. Acknowledged
 - 2. Acknowledged
- d. **Indoor and Radiological Health Branch**
 - 1. Acknowledged.
 - 2. Acknowledged.
- e. **Safe Drinking Water Branch**
 - 1. Acknowledged.
 - 2. Acknowledged.
- f. **Solid & Hazardous Waste Branch**
 - 1. Acknowledged.
 - 2. Acknowledged.
 - 3. Acknowledged.
 - 4. Acknowledged.
- g. **Wastewater Branch: Acknowledged**
- h. **Sanitation/Local DOH Comments**
 - 1. Acknowledged.
 - 2. Acknowledged.
- i. **Other**
 - 1. Acknowledged.
 - 2. Acknowledged.

Condition 5: Acknowledged

Condition 6: Acknowledged

Ka'aina Hull, Director of Planning
December 18, 2024
Page 3

In summary, we have worked diligently to meet the conditions and respectfully request an extension of time so that the progress we have made does not expire. All the conditions already have been completed or we are actively working on completing or complying with them. Some conditions may need the participation of other agencies which we are working on. Thank you for your consideration of our request.

Sincerely yours,
McCorriston Miller Mukai MacKinnon LLP



Laurel Loo

LL; vct

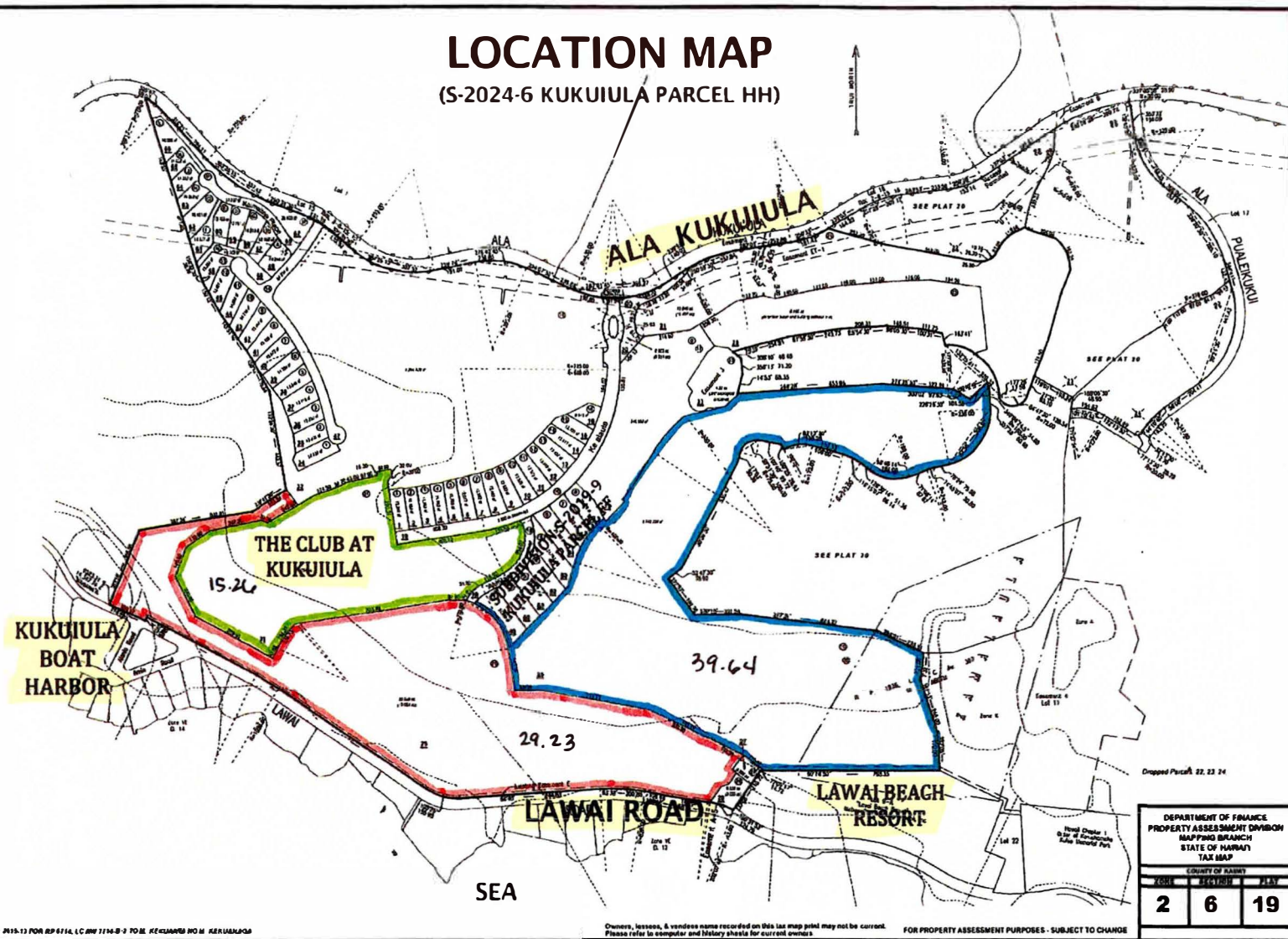
cc: client

Exhibit 'B'

(Preliminary Subdivision Map dated September 1, 2023, and Location Map)

LOCATION MAP

(S-2024-6 KUKUIULA PARCEL HH)



LAWAI BEACH RESORT, L.C. 1114-B-2 TO BE REZONED TO M-1 KUKUIULA

Owners, lessors, & vendees name recorded on this tax map print may not be correct. Please refer to computer and history sheets for current owners.

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

COUNTY OF KAUAI
PLANNING DEPARTMENT

TO: Subdivision Committee, Planning Commission

SUBJECT: Extension Request

PURPOSE: ☒ File Final Subdivision Maps
☐ Complete Subdivision Improvements
☐ Other: _____

Subdivision Application No.		Applicant(s)	
S-2023-1		BBCP Kukui'ula Development, LLC.	
Location:	Kōloa	Tax Map Key:	(4) 2-6-022: 020
Extension Request No. (1st, 2nd, etc.)		Tentative Approval Granted On:	Previous Ext. Expired On:
2 nd		November 15, 2022	November 15, 2024
Subdivision Bonded: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Deadline to Complete Improvements: Not Applicable	

APPLICANT'S REASONS: Additional time is being requested to comply with the conditions/requirements of tentative approval. The Applicant is currently with the various reviewing agencies in resolving the required infrastructure improvements for the subdivision.

**PLANNING DEPARTMENT
EVALUATION & RECOMMENDATION**

EVALUATION: Please refer to next page...

RECOMMENDATION: Please refer to next page...


Staff Planner

01.03.2025
Date

[✓] Approved and Recommended
to Planning Commission

[] Denied

Comments:


Planning Director

1/3/2025
Date

G.2.b.1.
JAN 14 2025

COUNTY OF KAUA'I PLANNING DEPARTMENT

Extension requests are primarily processed for the purpose of continuing a tentative approval for a subdivision application. An extension approval allows an applicant additional time to comply with the requirements in order to obtain final subdivision approval.

In determining whether additional time should be granted, an evaluation is made of the project's progress as well as compliance with the requirements of tentative approval. The evaluation is primarily based on determining whether the applicant is **progressively working** towards obtaining final subdivision approval with the various reviewing agencies. The **tentative approval conditions** are then re-evaluated to determine whether the conditions/requirements are adequate to address the impacts of the proposed development in consideration of the time that has lapsed.

Pending evaluation of an extension request, one of the following can occur:

1. The extension is approved without changes to the tentative approval requirements;
2. The extension is approved with modified time frames but no modifications or additions to the tentative approval requirements;
3. The extension is approved with modifications and/or additions to the requirements; and
4. The extension is denied.

EXTENSION REQUEST:

The Applicant is requesting an extension of time to file the final subdivision map with the Planning Department pursuant to Section 9-3.8(c)(1) of the Subdivision Ordinance, Kaua'i County Code (1987), as amended. This application was granted Preliminary Subdivision Map Approval by the Planning Commission on November 15, 2022, and Applicant's extension request is the **second** extension of tentative approval. Please refer to the Applicant's request letter dated September 19, 2024, enclosed as Exhibit 'A'.

FINDINGS/BACKGROUND:

The proposed development involves the subdivision of Lot 13 of the Kukui'ula Parcel E Subdivision into a total of twenty-four (24) residential lots, four (4) remnant parcels, and three (3) roadway lots. The subject property is located on the western side of the Kukui'ula master planned area involving a total area of approximately 136.378 acres. The subject property is County zoned Residential District (R-4), Open (O) District, Special Treatment District – Open Space (ST-O), and Special Treatment District – Cultural/Historic (ST-C).

On November 15, 2022, the Kaua'i Planning Commission granted Preliminary Subdivision Map Approval for the application and, in addition, approved the Applicant's request for a Modification of Requirement. This modification allowed the use of drainage swales on both sides of the residential street in

accordance with the specifications of the Department of Public Works, Engineering Division, and granted a deviation from the requirement to construct curbs, gutters, and sidewalks as specified in Section 9-2.3(e) of the Subdivision Ordinance, Kaua'i County Code (1987), as amended.

Furthermore, on November 14, 2023, the Planning Commission granted the Subdivision's first extension of time to file the final subdivision maps and also recognized revisions to the preliminary subdivision map which included the reorganization of lot numbers within the subdivision and minor changes in lot sizes due to a conflict with a landscaping path. In reviewing the revised preliminary subdivision map, the department had no concerns regarding the proposed revisions since the revisions were consistent with the requirements outlined in the Comprehensive Zoning Ordinance (CZO). The revisions are reflected on a revised Preliminary Subdivision Map dated *rev. October 23, 2023*.

PROGRESS OF THE SUBDIVISION:

The Applicant is currently working on obtaining construction plans approvals for subdivision improvements from the various reviewing agencies. As represented, construction plan approvals have already been obtained from the County Department of Public Works – Engineering Division and the County Department of Water; however, approvals are still pending from the State Department of Health's Wastewater Division and the State Historic Preservation Division. In evaluating the Applicant's request, a time extension would allow the Applicant to obtain the remaining agency approvals necessary to complete construction plan review, and it would enable the Applicant to meet all the requirements of the government agencies.

Based on the foregoing circumstances, the Applicant's reasons are justifiable, and no problems are foreseen in granting the extension request. The Departments of Public Works and Water have no objections to the request.

Additionally, the Applicant should demonstrate further progress with the subdivision within one (1) year from the approval of this extension request. As such, the Applicant shall be made aware that in further considering extension requests involving the proposed development, the Applicant shall continue to submit to the Planning Department an updated status report on the subdivision with a detailed time chronology on the progress of the tentative approval requirements. The status report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date in order to allow sufficient time to evaluate whether progress has been made and conditions satisfied.

RECOMMENDATION:

It is recommended that an extension until **NOVEMBER 15, 2025**, be granted to obtain final subdivision approval. However, the Applicant is made aware that an updated status report on the subdivision with a detailed time chronology on the progress of the tentative approval requirements shall be submitted to the Planning Department for review for further extensions requests. The status report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date.

Exhibit 'A'

(Applicant's Extension Request Letter dated September 19, 2024)



SEP 19 '24 PM2:24
PLANNING DEPT

VIA EMAIL

September 19, 2024

Mr. Kenneth Estes
Department of Planning
County of Kauai
4444 Rice Street, Suite A-473
Lihue, Hawaii 96766

Subject: Subdivision S-2023-1
Kukui`ula Parcel A2/F2/F3 Subdivision

Dear Kenny,

Kukui`ula received a one-year Tentative Map extension for Subdivision S-2023-1 on November 15, 2023. We respectfully request an additional on-year extension for this Tentative Map due to remaining subdivision improvement plan approvals needed from the State of Hawaii, Department of Health Wastewater Division and the Department of Land Natural Resources State Historic Preservation District.

Below is a summary of the subdivision improvement plan approvals received to date along with the status of the pending approvals listed above.

Subdivision Improvement Plan - Approvals

County of Kauai Department of Public Works, Engineering Division
County of Kauai Department of Water
Kauai Island Utility Cooperative (pending final easement standards to be provided by KIUC)
Spectrum
Hawaii Gas
Hawaii Telcom
State of Hawaii Department of Health NPDES General Permit

Subdivision Improvement Plan - Pending Approvals

Department of Land Natural Resources State Historic Preservation Department

- Review and approval of an Archaeological Inventory Survey Report for the project (HICRIS# 2022PR00997)

2700 KE ALAULA STREET, SUITE B, KOLOA, HI 96756
t. 808.742-6304 | w.KUKUIULA.COM

State of Hawaii, Department of Health Wastewater Division
- Review and approval of sewer collection system

We anticipate being able to complete these tasks within one year pending agency reviews. Once we work through these final subdivision improvement plan approvals, we look forward to engaging with the Planning Department and the Planning Commission on obtaining Final Subdivision Map approval.

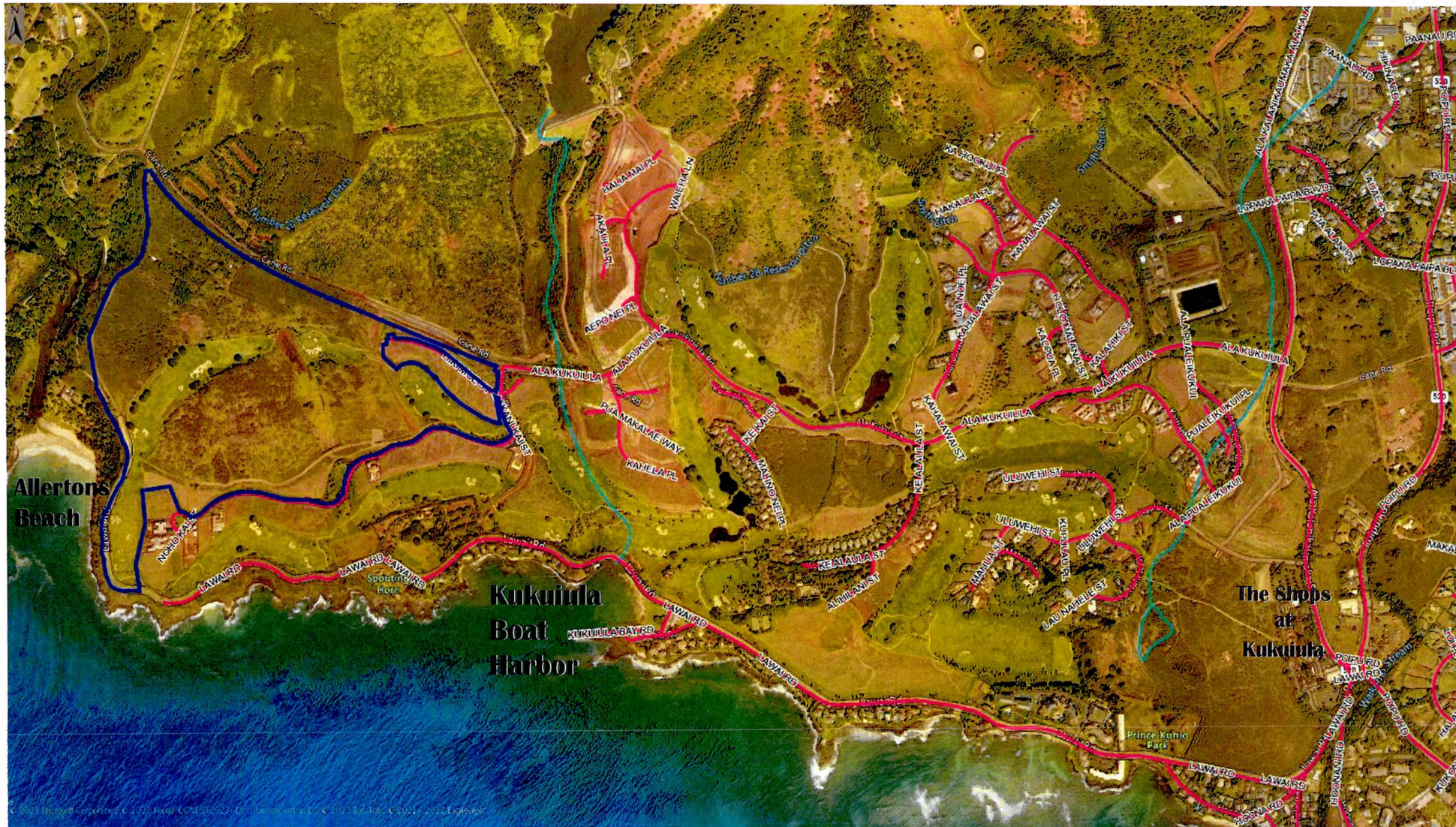
Sincerely,

Chris Rivera
Vice President of Development
BBCP Kukui`ula Development, LLC

Exhibit 'B'

(Revised Preliminary Subdivision Map Rev. *October 23, 2023*, and Location Map)

Kukui'ula Parcel A2F2F3 Subdivision



10/07/2021 - 03/15/2022

COUNTY OF KAUAI
PLANNING DEPARTMENT


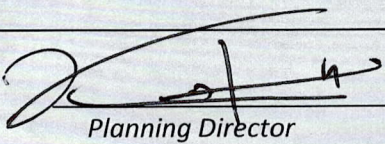
TO: Subdivision Committee, Planning Commission

SUBJECT: Extension Request

PURPOSE: ☒ File Final Subdivision Maps
☐ Complete Subdivision Improvements
☐ Other: _____

Subdivision Application No.		Applicant(s)	
S-2024-2		Moloa'a Farms, LLC. Et. Al.	
Location:	Moloa'a	Tax Map Key:	(4) 4-9-009: 001
Extension Request No. (1 st , 2 nd , etc.)		Tentative Approval Granted On:	Previous Ext. Expired On:
1st		November 14, 2023	N/A
Subdivision Bonded: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Deadline to Complete Improvements: Not Applicable	

APPLICANT'S REASONS: Additional time is being requested to comply with the conditions/requirements of tentative approval. The Applicant is currently with the various reviewing agencies in resolving the required infrastructure improvements for the subdivision.

PLANNING DEPARTMENT EVALUATION & RECOMMENDATION	
EVALUATION: Please refer to next page...	
RECOMMENDATION: Please refer to next page...	
<div style="text-align: right;"> Staff Planner</div> <div style="text-align: right;">01.03.2025 Date</div>	
<input checked="" type="checkbox"/> Approved and Recommended to Planning Commission	<input type="checkbox"/> Denied
Comments: _____	
<div style="text-align: right;"> Planning Director</div> <div style="text-align: right;">1/3/2025 Date</div>	

G.2.C.1.
JAN 14 2025

COUNTY OF KAUAI PLANNING DEPARTMENT

Extension requests are primarily processed for the purpose of continuing a tentative approval for a subdivision application. An extension approval allows an applicant additional time to comply with the requirements in order to obtain final subdivision approval.

In determining whether additional time should be granted, an evaluation is made of the project's progress as well as compliance with the requirements of tentative approval. The evaluation is primarily based on determining whether the applicant is **progressively working** towards obtaining final subdivision approval with the various reviewing agencies. The **tentative approval conditions** are then re-evaluated to determine whether the conditions/requirements are adequate to address the impacts of the proposed development in consideration of the time that has lapsed.

Pending evaluation of an extension request, one of the following can occur:

1. The extension is approved without changes to the tentative approval requirements;
2. The extension is approved with modified time frames but no modifications or additions to the tentative approval requirements;
3. The extension is approved with modifications and/or additions to the requirements; and
4. The extension is denied.

EXTENSION REQUEST:

The Applicant is requesting an extension of time to file the final subdivision map with the Planning Department pursuant to Section 9-3.8(c)(1) of the Subdivision Ordinance, Kauai County Code (1987), as amended. This application was granted Preliminary Subdivision Map Approval by the Planning Commission on November 14, 2023, and the Applicant's extension request is the **first** extension of the tentative approval. Please refer to the Applicant's request letter dated November 12, 2024, enclosed as Exhibit 'A'.

FINDINGS/BACKGROUND:

The proposed development subdivides Lot 2-A into ten (10) lots and a roadway lot. The project involves a total area of approximately 133.427 acres and is situated within the County Agriculture (Ag) and Open (O) zoning districts. The subject property is primarily within the State Land Use Agricultural District; however, there are sections within the project area (Portions of proposed Lots 2-A-6, 2-A-7, 2-A-8, and 2-A-9) that are situated within the State Land Use Conservation District.

Roadway Lot 2-A-11 will serve as the primary access for the lots within the subdivision. As such, it should be designed and constructed to meet County roadway standards subject to the specifications of the Department of Public Works, Engineering Division. Furthermore, access to the subject property will be

obtained through a vehicular access point connection from Ko'olau Road, an existing roadway with a current right-of-way width of fifty (50) feet.

The property is bounded by Papa'a Valley to the east and Moloa'a Valley to the west, and abuts land to the north that's owned by the State of Hawai'i. This area includes a rocky coastline within the State Land Use Conservation District. South of the subject property is Lot 1 of the Moloa'a Hui Subdivision that was created through Subdivision Application No. S-97-23. Presently, this parcel contains two Condominium Property Regime (CPR) projects known as Moloa'a Hui I and Moloa'a Hui II. Lot 1 is situated within the County Agriculture and Open zoning districts, and is within the State Land Use Agricultural District.

It should be noted that the subdivision proposal is in accordance with a Stipulated Settlement Agreement related to the case of *Moloaa Farms LLC et al. v. Kaua'i Planning Commission et al.*, Civil No. 20-CV-00020 HG-KM. Per the provisions of this agreement, Lot 2 is permitted under the CZO to be subdivided into ten (10) agricultural lots and a remainder lot for roadways and utilities. Moreover, Lot 2 is permitted to have an overall density of up to thirty-four (34) farm dwelling units consistent with the CZO.

PROGRESS OF THE SUBDIVISION:

In considering the extension request, it should be noted that the Applicant has shown some progress with the development and has been working to comply with the various requirements of tentative approval. As represented, the Applicant is still working to resolve the required infrastructure improvements associated with this application and determining the applicable requirements of the County of Kaua'i, Department of Water (DOW), Department of Public Works (DPW), and the County Housing Agency. In addition, the Applicant is also working with the State Department of Land and Natural Resources, Division of Forestry and Wildlife, and the State Department of Health in resolving their requirements. Since it is uncertain as to when the Applicant will be in compliance with the requirements of tentative approval, another time extension is being requested.

Based on the foregoing circumstances, the Applicant's reasons are justifiable, and no problems are foreseen in granting the extension request. The Departments of Public Works and Water have no objections to the request.

Additionally, the Applicant should demonstrate further progress with the subdivision within one (1) year from the approval of this extension request. As such, the Applicant shall be made aware that in further considering extension requests involving the proposed development, the Applicant shall continue to submit to the Planning Department an updated status report on the subdivision with a detailed time chronology on the progress of the tentative approval requirements. The status report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date in order to allow sufficient time to evaluate whether progress has been made and conditions satisfied.

RECOMMENDATION:

It is recommended that an extension until **NOVEMBER 14, 2025**, be granted to obtain final subdivision approval. However, the Applicant is made aware that an updated status report on the subdivision with a detailed time chronology on the progress of the tentative approval requirements shall be submitted to the Planning Department for review for further extensions requests. The status report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date.

Exhibit 'A'

(Applicant's Extension Request Letter dated November 12, 2024)

NOV 13 '24 AM 11:23
PLANNING DEPT

November 12, 2024

Kenneth Estes, Planner
County of Kaua'i, Department of Planning
4444 Rice Street, Suite A473
Lihu'e, Hawai'i 96766
Tel: (808) 241-4065

Via Email: KEstes@kauai.gov & Hand Delivery

Re: **Extension Request**
Tentative Subdivision Map, Application No. S-2024-2
Applicant: Moloa'a Farms, LLC., et. al.

Dear Planner Estes:

Applicant Moloa'a Farms, LLC. Et. Al., ("Applicant") received Tentative Map approval for the above referenced map on November 14, 2023. This is the Applicant's first extension request.

One-Year Extension Request

We are respectfully requesting a one-year extension for this tentative map. Pursuant to Kaua'i County Code Section 9-3.8(c)(1) of the Subdivision Ordinance, in addition to this filed request, the Applicant submits fifteen (15) copies of the subdivision final map.

Report on Progress

The County's Approval Letter, dated November 15, 2023, and the Subdivision Report, dated November 14, 2023, include conditions and exactions from seven (7) different agencies required of the Applicant in order to obtain final approval.

Applicant reports the following progress on the requirements:

1. Requirements of the County Planning Department:

- a. Special Management Area (SMA) Use Permit: Applicant will submit the SMA Permit Application after completing other prerequisite studies and reports detailed below.
- b. Preliminary Title Report: Applicant is preparing an updated preliminary title report.
- c. Easements: Applicant is working to identify all existing and proposed easements in the deed descriptions of the affected lots.

d. Electronic Record Submission: Applicant has submitted an electronic record (digitized format) of the final subdivision map with this extension request.

* * *

f. Environmental Impact Assessment (EIA) Fee: The Applicant is working on the EIA fee.

g. Roadway Standards: Applicant is working to ensure that Lot 2-A-11 is designed and constructed to meet County roadway standards as determined by the County Department of Public Works.

h. Construction Plan Approvals: The Applicant is preparing construction plans for approval for necessary road, water, drainage, electrical, and telephone utilities and facilities.

i. Street Naming: Applicant is preparing official Hawaiian language street names with detailed maps.

j. Road Widening Reserve: The Applicant is preparing to resolve the issue of the road widening reserve along the frontage of Ko'olau Road for proposed Lots 2-A-1 and 2-A-11.

k. No Direct Access to Moloa'a Road: Applicant is working to resolve the issue of no direct access is permitted onto Moloa'a Road from proposed Lots 2-A-1 and 2-A-2.

l. Conservation District Encroachment: Applicant has chosen to re-align the lots that encroached into the State Conservation District. See submitted Subdivision Map. As such, Applicant will not apply for a Conservation District Use Application (CDUA).

n. Agricultural Master Plan: The Applicant is working on an Agriculture Master Plan in compliance with HRS Chapter 205.

o. Declaration of Conditions, Covenants, and Restrictions: Applicant is preparing CC&Rs requiring compliance with the Agricultural Plan and HRS Chapter 205.

r. Preservation of Native Hawaiian Rights: The Applicant is currently in the process of working to conduct the required Native Hawaiian cultural preservation study.

2. Requirements of the County Department of Public Works (DPW):

Street Right-of-Way, Driveway Approaches, Drainage Facilities, Sediment and Erosion Control: The Applicant is consulting with professionals to confirm compliance with DPW's conditions.

3. Requirements of the Department of Water (DOW):

Domestic Water Service: The Applicant is working to resolve Water service, rights of way, and construction rights in order to provide water to the subdivision. A water waiver should not be required.

4. Requirements of the County Housing Agency:

Workforce Housing Requirements: The Applicant is evaluating its options regarding this exaction. The project density allows more than ten residential dwelling units.

5. Requirements of the State Department of Health (DOH):

Hazard Evaluation & Emergency Response Office: Applicant is consulting with professionals to perform a Phase I Environmental Site Assessment (ESA).

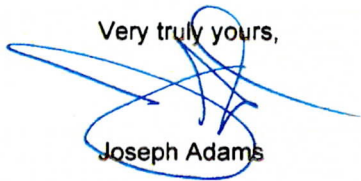
6. Requirements of the State DLNR, Division of Forestry and Wildlife (DOFAW):

Public Access and Botanical Survey: Applicant is working to perform a botanical survey and seabird survey and will prepare a mitigation plan, if necessary.

Most of the on-going progress involves contracted work to perform studies and/or evaluations. Therefore, more time is required to allow these contracted professionals to perform the necessary work, and in order for Applicant to continue to work with seven (7) different agencies.

In closing, in consideration of the amount of conditions required to obtain final approval, Applicant requests a one-year extension of time to complete the work.

Very truly yours,



Joseph Adams

Attachments:
Subdivision Map (15 Copies)

Exhibit 'B'

(Preliminary Subdivision Map dated May 16, 2023, and Location Map)

Location Map
Subdivision Application No. S-2024-2
Lot 2-A, TMK: 4-9-009:001



10/07/2021 - 03/15/2022

COUNTY OF KAUAI
PLANNING DEPARTMENT

TO: Subdivision Committee, Planning Commission

SUBJECT: Extension Request

PURPOSE: ☒ File Final Subdivision Maps
☐ Complete Subdivision Improvements
☐ Other: _____

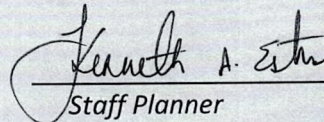
Subdivision Application No.		Applicant(s)	
S-2024-4		George and Patricia Souza Trust / Kevin and Monique Souza Living Trust	
Location:	Wailua Homesteads	Tax Map Key:	(4) 4-2-010: 012, 059
Extension Request No. (1st, 2nd, etc.)		Tentative Approval Granted On:	Previous Ext. Expired On:
1st		January 09, 2024	N/A
Subdivision Bonded: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Deadline to Complete Improvements: Not Applicable	

APPLICANT'S REASONS: Additional time is being requested to comply with the conditions/requirements of tentative approval. The Applicant is currently with the various reviewing agencies in resolving the required infrastructure improvements for the subdivision.

**PLANNING DEPARTMENT
EVALUATION & RECOMMENDATION**

EVALUATION: Please refer to next page...

RECOMMENDATION: Please refer to next page...



Staff Planner

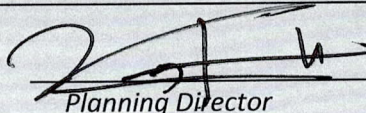
01.03.2025

Date

[✓] Approved and Recommended
to Planning Commission

[] Denied

Comments: _____



Planning Director

1/3/2025

Date

G.2.d.1.

JAN 14 2025

COUNTY OF KAUAI PLANNING DEPARTMENT

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In determining whether additional time should be granted, an evaluation is made of the project's progress as well as compliance with the requirements of tentative approval. The evaluation is primarily based on determining whether the applicant is **progressively working** towards obtaining final subdivision approval with the various reviewing agencies. The **tentative approval conditions** are then re-evaluated to determine whether the conditions/requirements are adequate to address the impacts of the proposed development in consideration of the time that has lapsed.

Pending evaluation of an extension request, one of the following can occur:

1. The extension is approved without changes to the tentative approval requirements;
2. The extension is approved with modified time frames but no modifications or additions to the tentative approval requirements;
3. The extension is approved with modifications and/or additions to the requirements; and
4. The extension is denied.

EXTENSION REQUEST:

The Applicant is requesting an extension of time to file the final subdivision map with the Planning Department pursuant to Section 9-3.8(c)(1) of the Subdivision Ordinance, Kauai County Code (1987), as amended. This application was granted Preliminary Subdivision Map Approval by the Planning Commission on January 09, 2024, and the Applicant's extension request is the **first** extension of the tentative approval. Please refer to the Applicant's request letter dated November 18, 2024, enclosed as Exhibit 'A'.

FINDINGS/BACKGROUND:

The proposal involves a two (2) lot consolidation and re-subdivision into four (4) lots within the County Residential District (R-2) and Open District (O), and within the State Land Use Rural District. The surrounding parcels to the north are within the County Agriculture (Ag) zoning district, while the surrounding parcels to the south, east, and west are within the County Residential (R-2) zoning district and Open District (O). The surrounding parcels are developed with single-family residences.

The subject property is located in Wailua Homesteads and abuts 'Ōpaeka'a Road on its northern boundary and Kalili Place on its southern boundary. It should be noted that there is one (1) existing dwelling on the northwestern side of the property that currently obtains vehicular access from 'Ōpaeka'a Road and two (2) existing dwellings on the southern side of the property that currently obtain

vehicular access from Kalili Place. In reviewing the proposal, Lots 1 and 2 will continue to utilize vehicular access from Kalili Place and Lots 2 and 3 will continue to utilize vehicular access from 'Ōpaeka'a Road.

The subject property was previously reviewed through two prior subdivision applications. Namely, Subdivision Application No. S-2000-3 that received final subdivision approval by the Planning Commission on April 27, 2000, that involved a two-lot subdivision, and Subdivision Application No. S-2011-12 that received final subdivision approval by the Planning Commission on January 25, 2012, and involved a two-lot boundary adjustment. In reviewing Subdivision Application No. S-2000-3, the EIA and Park Dedication Fees were deferred until such time the subject property is further developed. As such, the assessment of an EIA Fee and Park Dedication Fee will be a requirement of this subdivision application and shall be paid prior to final subdivision approval.

PROGRESS OF THE SUBDIVISION:

In considering the extension request, it should be noted that the Applicant has made some progress in addressing the various conditions of tentative approval. As represented, the Applicant is currently working on finalizing a Housing Agreement with the County Housing Agency and is also working to address requirements from the Department of Water. Since it is uncertain as to when the Applicant will be in compliance with the requirements of tentative approval, another time extension is being requested. The additional time will allow the Applicant to address the remaining conditions of tentative approval.

Based on the foregoing circumstances, the Applicant's reasons are justifiable, and no problems are foreseen in granting the extension request. The Departments of Public Works and Water have no objections to the request.

Additionally, the Applicant should demonstrate further progress with the subdivision within one (1) year from the approval of this extension request. As such, the Applicant shall be made aware that in further considering extension requests involving the proposed development, the Applicant shall continue to submit to the Planning Department an updated status report on the subdivision with a detailed time chronology on the progress of the tentative approval requirements. The status report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date in order to allow sufficient time to evaluate whether progress has been made and conditions satisfied.

RECOMMENDATION:

It is recommended that an extension until **JANUARY 09, 2026**, be granted to obtain final subdivision approval. However, the Applicant is made aware that an updated status report on the subdivision with a detailed time chronology on the progress of the tentative approval requirements shall be submitted to the Planning Department for review for further extensions requests. The status report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date.

Exhibit 'A'

(Applicant's Extension Request Letter dated November 18, 2024)

ESAKI SURVEYING AND MAPPING INC.

1610 Haleukana Street Lihue, Kauai, Hawaii 96766
Phone: (808) 246-0625 Fax: (808) 246-0229

LETTER OF TRANSMITTAL

DATE: November 25, 2024
PROJECT NUMBER 2021-062

TO: County of Kauai, Planning Department

ATTENTION: Ka'aina Hull, Director of Planning
RE: S-2024-4 Souza Trust
TMK (4) 4-2-10: 12, 59
Kapaa, Kauai, Hawaii

WE ARE SENDING YOU:

- | | |
|--|--|
| <input checked="" type="checkbox"/> ATTACHED | <input type="checkbox"/> FORWARDED SEPARATELY _____ |
| <input type="checkbox"/> prints | <input type="checkbox"/> tracings <input type="checkbox"/> shop drawings |
| <input type="checkbox"/> copy of letter | <input type="checkbox"/> change order <input type="checkbox"/> original |
| <input type="checkbox"/> specifications | <input type="checkbox"/> other _____ |

QUANTITY	IDENT. NO.	DATE	DESCRIPTION
1	Letter		Subdivision Extension Request Letter


THESE ARE TRANSMITTED as checked

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> For approval | <input type="checkbox"/> Approved | <input type="checkbox"/> Resubmit _____ copies for |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit _____ copies for |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return _____ corrected prints |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> Other _____ | |

REMARKS:

Copy to:

Signed:


for Wayne Wada

ESAKI SURVEYING & MAPPING, INC

1610 HALEUKANA STREET - LIHUE, KAUA'I, HAWAI'I 96766
(808) 246-0625 ESM@ESAKIMAP.COM

November 18th, 2024

Mr. Ka`aina Hull
Director of Planning
County of Kauai
4444 Rice Street, Suite A473
Lihue, HI 96766

**RE: S-2024-4, GEORGE & PATRICIA SOUZA TRUST/KEVIN & MONIQUE SOUZA LIVING TRUST
SUBDIVISION EXTENSION REQUEST
TMK (4) 4-2-10: 12, AND 59
WAILUA, KAWAIHAU, KAUA`I, HAWAI`I**

The subject subdivision was granted **TENTATIVE APPROVAL** by the Planning Commission at their meeting held on January 9, 2024.

The Owner is currently working with the County Housing Agency to resolve their requirements. A draft Housing Agreement – Deed Restriction was received on October 31, 2024.

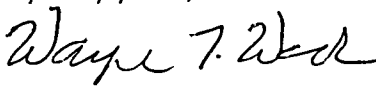
Additionally, progress has been made on the DOW requirements. Construction drawings and FRC not required at this time since it was discovered the property has 4 existing water meters. Fire flow test was sent to DOW by Island Fire Protection. The only remaining condition from DOW that still needs to be resolved is the agreement with the DOW restriction of a total of ten (10) existing and proposed water meters/dwellings.

The Environmental Impact Assessment fee and Park Dedication fee were paid to the County of Kaua`i on August 19, 2024.

The applicant requires more time to complete the remaining conditions. We respectfully request an extension in time of one year to file the Final Subdivision Map.

Thank you for your consideration,

Very truly yours,

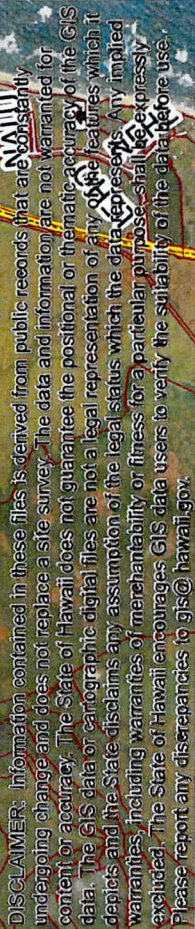


Wayne T. Wada

Exhibit 'B'

(Preliminary Subdivision Map dated August 1, 2023, and Location Map)

Applicant: George & Patricia Souza Trust, Et. Al.



COUNTY OF KAUAI
PLANNING DEPARTMENT

TO: Subdivision Committee, Planning Commission

SUBJECT: Extension Request

PURPOSE: ☒ File Final Subdivision Maps
☐ Complete Subdivision Improvements
☐ Other: _____

Subdivision Application No.		Applicant(s)	
S-2019-8		Stephanie Fernandes	
Location:	Wailua Homesteads	Tax Map Key:	(4) 4-2-005: 044
Extension Request No. (1 st , 2 nd , etc.)		Tentative Approval Granted On:	Previous Ext. Expired On:
6 TH		January 22, 2019	January 22, 2025
Subdivision Bonded: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Deadline to Complete Improvements: Not Applicable	

APPLICANT'S REASONS: Additional time is being requested to comply with the conditions/requirements of tentative approval. The Applicant is currently with the various reviewing agencies in resolving the required infrastructure improvements for the subdivision.

**PLANNING DEPARTMENT
EVALUATION & RECOMMENDATION**

EVALUATION: Please refer to next page...

RECOMMENDATION: Please refer to next page...


Staff Planner

01.03.2025
Date

☒ Approved and Recommended
to Planning Commission

☐ Denied

Comments:


Planning Director

1/3/2025
Date

G.1.e.1

JAN 14 2025

COUNTY OF KAUAI PLANNING DEPARTMENT

Extension requests are primarily processed for the purpose of continuing a tentative approval for a subdivision application. An extension approval allows an applicant additional time to comply with the requirements in order to obtain final subdivision approval.

In determining whether additional time should be granted, an evaluation is made of the project's progress as well as compliance with the requirements of tentative approval. The evaluation is primarily based on determining whether the applicant is **progressively working** towards obtaining final subdivision approval with the various reviewing agencies. The **tentative approval conditions** are then re-evaluated to determine whether the conditions/requirements are adequate to address the impacts of the proposed development in consideration of the time that has lapsed.

Pending evaluation of an extension request, one of the following can occur:

1. The extension is approved without changes to the tentative approval requirements;
2. The extension is approved with modified time frames but no modifications or additions to the tentative approval requirements;
3. The extension is approved with modifications and/or additions to the requirements; and
4. The extension is denied.

EXTENSION REQUEST:

The Applicant is requesting an extension of time to file the final subdivision map with the Planning Department pursuant to Section 9-3.8(c)(1) of the Subdivision Ordinance, Kauai County Code (1987), as amended. This application was granted Preliminary Subdivision Map Approval by the Planning Commission on January 22, 2019, and the Applicant's extension request is the **sixth** extension of tentative approval. Please refer to the Applicant's request letter dated December 19, 2024, enclosed as Exhibit 'A'.

FINDINGS/BACKGROUND:

The proposed development involves a subdivision of a parcel into five (5) lots in the Wailua Homesteads area. The subject property is situated in close proximity to the Kuamo'o Road/Kamalu Road intersection in Wailua Homesteads and the total area involved is approximately 10.818 acres. The subject property is County zoned Residential District (R-2) and Open (O) District, and is within the State Land Use Rural District. The surrounding parcels to the North and West are also within the County Residential District (R-2) and Open (O) District, and are within the State Land Use Rural District. The parcels to the South and East are County zoned Residential District (R-4) and are within the State Land Use Urban District. The surrounding parcels are developed with single-family residences.

PROGRESS OF THE SUBDIVISION:

In considering the extension request, it should be noted that the Applicant has made some progress in addressing the requirements of the subdivision. As represented, they are currently resolving the requirements of the COK Department of Public Works, Engineering Division relating to a flood study to address drainage from the natural drainage swale on Lot 2. Further, they are currently working with the COK Department of Water in resolving the infrastructure improvements associated with the development. Since it is uncertain as to when the Applicant will be in compliance with the requirements of Tentative Approval, another time extension is being requested.

Based on the foregoing circumstances, the Applicant's reasons are justifiable and no problems are foreseen in granting the extension request. The Departments of Public Works and Water have no objections to the request.

Additionally, the Applicant should demonstrate further progress with the subdivision within one (1) year from the approval of this extension request. As such, the Applicant shall be made aware that in further considering extension requests involving the proposed development, the Applicant shall continue to submit to the Planning Department an updated status report on the subdivision with a detailed time chronology on the progress of the tentative approval requirements. The status report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date in order to allow sufficient time to evaluate whether progress have been made and conditions satisfied.

RECOMMENDATION:

It is recommended that an extension until **JANUARY 22, 2026** be granted to obtain final subdivision approval. However, the Applicant is made aware that an updated status report on the subdivision with a detailed time chronology on the progress of the tentative approval requirements shall be submitted to the Planning Department for review for further extensions requests. The status report shall be submitted to the Planning Department no later than sixty (60) days prior to the expiration date.

Exhibit 'A'

(Applicant's Request Letter dated December 19, 2024)

DEC 26 124 PM 12:45
PLAINTEXT

BELLES GRAHAM LLP

ATTORNEYS AT LAW

MAX W.J. GRAHAM, JR.
JONATHAN J. CHUN
IAN K. JUNG

Federal I.D. No. 99-0317663

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E-MAIL: mail@kauai-law.com

OF COUNSEL

MICHAEL J. BELLES
DAVID W. PROUDFOOT
DONALD H. WILSON

December 19, 2024

Mr. Francis DeGracia, Chairperson
Subdivision Committee
Planning Commission
c/o County of Kauai Planning Department
4444 Rice Street, Suite A473
Lihue, Kauai, Hawaii 96766

Re: **Subdivision of Lot 21 A-9 Portion of Lot 21 Wailua Homestead,
First Series also Portion of Grant S-14157 to William E. Fernandes
Wailua, into lots 1 to 5, inclusive,
Kawaihau, Kauai, Hawaii
Kauai Tax Map Key No. (4) 4-2-005-044
S-2019-8, Stephanie Fernandes**

Dear Chairperson DeGracia and Subdivision Committee Members:

I am writing to you as the court appointed commissioner in Fernandes v. Fernandes-Salling, et al., Civil No. 15-1-0010, Fifth Circuit Court, State of Hawaii, that has been tasked to pursue the above-entitled subdivision. The Planning Commission Subdivision Committee granted Tentative Approval to the above subdivision at its meeting held on January 22, 2019. On March 12, 2024, the Planning Commission granted an extension of the tentative subdivision approval to January 22, 2025.

The January 22, 2024 extension provided that "if further subdivision extension requests are sought, an updated status report on the subdivision that includes a detailed time chronology on the progress of the tentative approval requirements shall be submitted to the Planning Department no later than sixty days (60) from the expiration date of the extension." We apologize for not submitting this updated report earlier. We had hoped that all of the conditions might have been fulfilled by December of this year, but unfortunately, we might not be able to meet the January 22, 2025 date so we are submitting this updated report and request for an extension for the Committee's consideration.

Mr. Francis DeGracia, Chairperson
Page 2
December 19, 2024

The following are the conditions that were contained in the Commission's Tentative Subdivision Approval and their status:

- a. Payment of a park dedication fee in the amount of \$600.00.

Status: Fee will be paid prior to Final Approval.

- b. Payment of an environmental impact assessment fee of \$750.00.

Status: Fee will be paid prior to Final Approval.

- c. Dedication of an 8' wide strip of line fronting Kamalu Road.

Status: A reserve will be created and shown on the Final Subdivision Map and conveyed to the County of Kauai upon request.

- d. Locate and indicate on the subdivision map the location of the Open and Residential Districts.

Status: Esaki Surveying and Mapping, Inc. has been retained to fulfill the conditions contained in the Tentative Subdivision Approval. Esaki Surveying and Mapping, Inc. ("Esaki") will include the Open and Residential District boundaries on the final subdivision map. Esaki is still working on finalizing the map and we anticipate it to be finished in 2025.

- e. Payment of a Facilities Reserve Charge to the Department of Water in the amount of \$56,460.00.

Status: Fee will be paid prior to Final Approval.

- f. Prepare construction drawings for the domestic water service connections for approval by the Department of Water. Show on final subdivision map location of the existing water meter and location of proposed 4 new meters.

Status: Esaki has been retained to fulfill the conditions contained in the Tentative Subdivision Approval. Esaki is preparing the required construction drawings for the Department of Water. On December 18, 2024 we received a communication from Esaki Surveying and Mapping informing us they are still working with the Water Department to finalize the water meter plans.

g. Enter into an agreement with the Department of Water restricting the subdivision to one single family dwelling per lot or one 5/8-inch water meter per lot.

Status: An Agreement Regarding Deed Restrictions And Deed Restrictions dated January 30, 2024 ("Agreement") was executed by the Commissioner and the Department of Water. The Agreement will be recorded in the Bureau of Conveyance, State of Hawaii within 30 days of final subdivision approval.

h. Preparation of a flood study to address drainage from the natural drainage swale that is located on proposed Lot 2.

Status: Esaki has been retained to fulfill the conditions contained in the Tentative Subdivision Approval. On August 15, 2024, we were informed by Esaki Surveying and Mapping that they have received some initial comments from the Department of Public Works regarding the flood study and are awaiting to receive a formal response.

i. Address the Department of Public Works' suggestion to consolidate entry points along Kamalu Road and provisions for common driveways.

Status: Esaki has been retained to fulfill the conditions contained in the Tentative Subdivision Approval. Esaki is working with the Department of Public Works regarding any required entry points for the common driveways.

j. Enter into a workforce housing agreement with the Housing Agency to comply with County of Kauai's workforce housing requirements.

Status: The Applicant has discussed this matter with the County of Kauai Housing Agency and on May 7, 2021, a fully executed Workforce Housing Agreement was recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-77970593.

k. Prepare metes and bounds descriptions for final lots.

Status: Esaki has been retained to fulfill the conditions contained in the Tentative Subdivision Approval. Esaki will prepare metes and bounds descriptions for the final lots. We anticipate this work will be completed by Esaki in 2025 once the flood study and water meter plans have been finalized.

Mr. Francis DeGracia, Chairperson
Page 4
December 19, 2024

- l. Install property pins for final lots.

Status: Esaki has been retained to fulfill the conditions contained in the Tentative Subdivision Approval. Esaki will install property pins for the final lots.

- m. Prepare final subdivision map for approval incorporating the above conditions.

Status: Esaki has been retained to fulfill the conditions contained in the Tentative Subdivision Approval. Esaki will be preparing the final subdivision map for the County's review and approval. We anticipate this work will be completed in 2025.

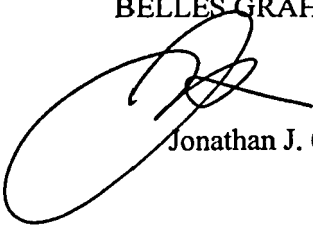
We estimate Esaki would need another extension of six to twelve months to complete the work required of it under the tentative subdivision approval. We anticipate that the Department of Water agreement could be approved and recorded by the end of 2025 or January 2026.

Based on the above, the Applicants respectfully request another extension of 12 months to obtain final subdivision approval.

Thank you very much for your consideration of this request.

Sincerely,

BELLES GRAHAM LLP



Jonathan J. Chun

JJC:so

cc: Esaki Surveying and Mapping, Inc.
Allison Mizuo Lee, Esq.
David J. Minkin, Esq.
Mr. Benjamin B. Fernandes
Mr. W. Kihei Fernandes

Exhibit 'B'

(Preliminary Subdivision Map dated September 10, 2018, and Location Map)

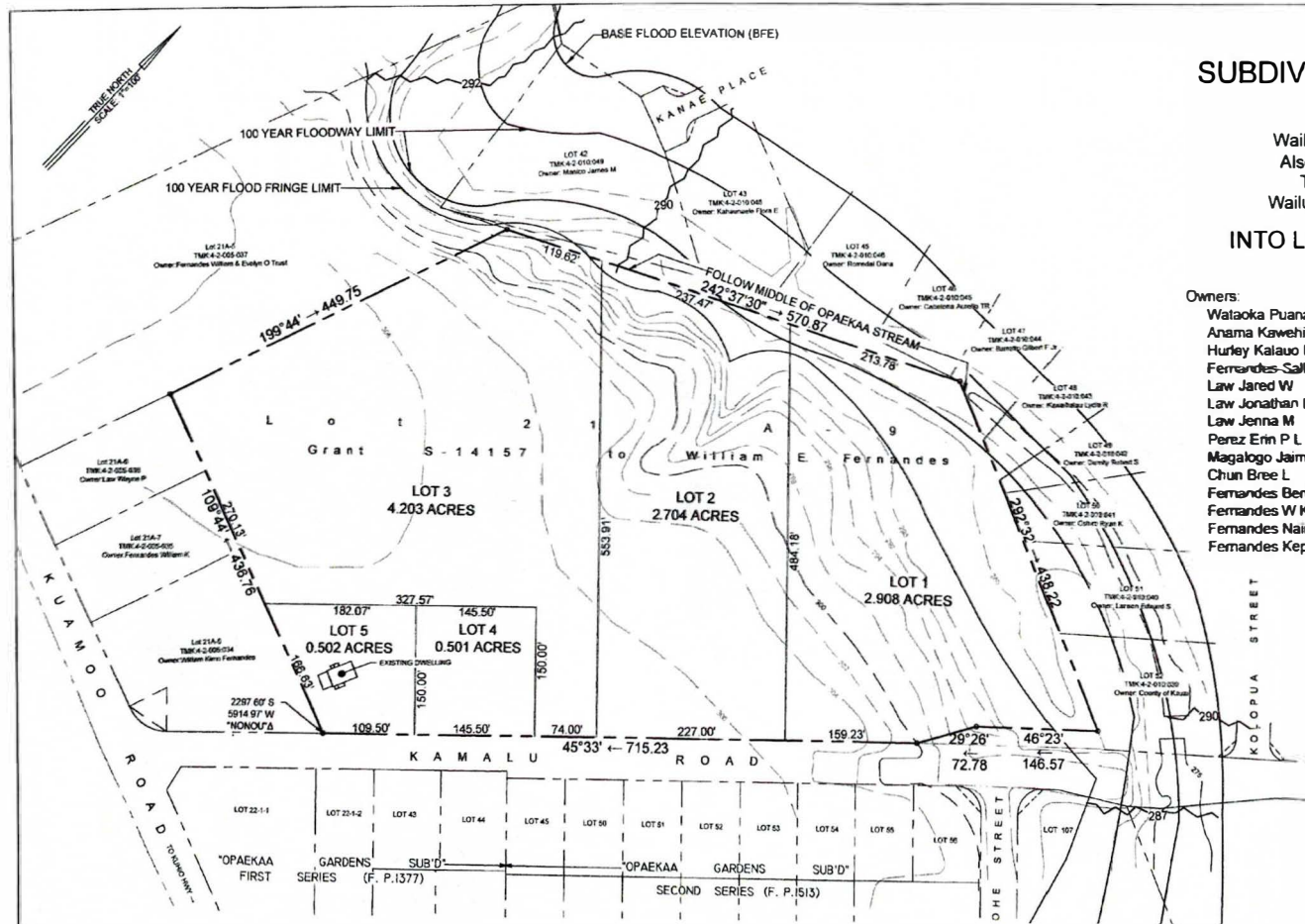
PRELIMINARY SUBDIVISION OF LOT 21 A-9

Portion of Lot 21
Wailua Homestead, First Series
Also portion of Grant S-14157
To William E. Fernandes
Wailua, Kawaihau, Kauai, Hawaii

INTO LOTS 1 TO 5 INCLUSIVE

Owners:

Wataoka Puanani P H: 6231 Hauiki Road Kapaa, HI. 96746
Anama Kawehi K H
Hurley Kalauo K P
Fernandes-Salling John M K
Law Jared W
Law Jonathan K
Law Jenna M
Perez Erin P L
Magalogo Jaime M L
Chun Bree L
Fernandes Benjamin B: 219 Kamaku Road Kapaa HI. 96746
Fernandes W Kihei
Fernandes Nainoa L
Fernandes Kepa K.



NOTES

1. Origin of azimuths and coordinates are referred to Government Survey Triangulation Station "WICHOU".
2. Owners of adjoining lands as shown on plan are from records in the Real Property Mapping Branch.
3. Floodway and flood fringe limits are extrapolated from flood insurance rate map (FIRM) zone maps.
4. EIA contours and other features are based on aerial orthophotos and gauge maps.

TMK 4-2-010-049
19999 Fernandes Sub Div Map

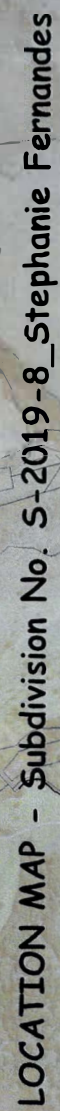
KIDGAB & ASSOCIATES ENGINEERS, LLC
3725 ALANI STREET, LANE, KALIA, HAWAII 96706

10' x 17' = 3'10.56" N
DATE: 04/18/2020



EXPIRES: APRIL 30, 2020
THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION

C. Kodani
Signature



**COUNTY OF KAUAI
PLANNING DEPARTMENT
SUBDIVISION REPORT**

RE: Subdivision Application No. S-97-45
Recertification of Final Subdivision Map
Tax Map Key: 3-3-016: 062 and 063

APPLICANT: Joseph H. Chu
(Formerly Grove Farm Properties, Inc.)

BACKGROUND:

The subject subdivision application involved the consolidation of two lots (Lots 1475 and 1476) into a single lot (Lot 1475-A) within Grove Farm's Puakō Subdivision, Phase I. Lot 1475-A has an approximate area of 22,038 square feet and is located within the County Residential (R-4) zoning district and the State Land Use Urban District. The subdivision application received final subdivision map approval by the Kaua'i Planning Commission on September 25, 1997.

Lots 1475 and 1476 were originally created through Subdivision Application No. S-92-9 (Puakō Subdivision, Phase I), which received final subdivision map approval by the Kaua'i Planning Commission on June 30, 1994. The subdivision involved a two-lot consolidation and resubdivision into eighty-nine (89) residential lots, six (6) roadway lots, and three (3) remnants lots.

EVALUATION

For recordation purposes, the Applicant requests recertification of the final subdivision map for Subdivision Application No. S-97-45. This recertification is needed to obtain an original approved hard copy map that will be submitted to the State of Hawai'i Land Court for approval in accordance with Rule 104 of the Rules of the Land Court of the State of Hawai'i.

In evaluating the Applicant's request, the department has reviewed the map submitted for recertification and has no objections, as it is consistent with the final subdivision map of Subdivision No. S-97-45, approved on September 25, 1997.

RECOMMENDATION:

The department recommends **approval** for final subdivision map recertification.

By Kenneth A. Estes
Kenneth A. Estes, Planner

By KA'ĀINA S. HULL
KA'ĀINA S. HULL, Director of Planning

Date: 1/3/2025

G. H. A. I.

JAN 14 2025

SEP 8 '24 PM 12:45
PLANNING DEPT

BELLES GRAHAM LLP
ATTORNEYS AT LAW

MAX W.J. GRAHAM, JR.
JONATHAN J. CHUN
IAN K. JUNG

Federal I.D. No. 99-0317663

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TELEPHONE NO: (808) 245-4705
FACSIMILE NO: (808) 245-3277
E-MAIL: mail@kauai-law.com

OF COUNSEL

MICHAEL J. BELLES
DAVID W. PROUDFOOT
DONALD H. WILSON

August 29, 2024

Via Email & Regular Mail

Mr. Francis DeGracia, Chairperson
Subdivision Committee
Planning Commission of the County of Kauai
c/o Planning Department
4444 Rice Street, Suite 473
Lihue, Hawaii 96766

Re: **Subdivision No. S-97-45**
Consolidation of Lots 1475 abd 1476, as shown on
Map 120, into Lot 1475-A at Lihue, Puna, Kauai, Hawaii
Kauai Tax Map Key No. (4) 3-3-016-062 and 063
Applicant: John Richard Burkhalter & Lucille Vida Miller

Dear Chairperson DeGracia and Subdivision Committee Members:

I am writing to you on behalf of the current owner of the above property, Joseph H. Chu ("Applicant"). The Applicant recently purchased the above property and was informed that the consolidation of the above lots, while approved by the Planning Commission, is not yet recognized by the Land Court of the State of Hawaii. A petition to consolidate the two Land Court lots must be filed and approved by the Land Court. To do so, the Applicant needs to submit a certified copy of the map consolidating the two lots by the Kauai Planning Commission. Attached to this letter is a copy of the final map that was approved by the Planning Commission on September 25, 1997, and the letter dated September 26, 1997, from the Planning Director confirming the consolidation received final approval from the Planning Commission.

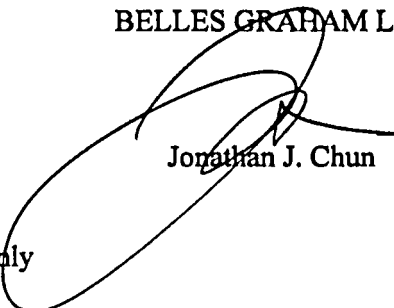
The Applicant respectfully requests the Planning Commission recertify the final subdivision map so that it may be submitted to the Land Court for approval.

Mr. Francis DeGracia, Chairperson
Page 2
August 29, 2024

Please feel free to call me if you have any questions on this matter. Thank you for your kind consideration and attention to this matter.

Sincerely,

BELLES GRAHAM LLP



Jonathan J. Chun

JJC:so

cc: Dr. Joseph Chu, via email only

MARYANNE W. KUSAKA
MAYOR



PLANNING DEPARTMENT
COUNTY OF KAUAI

10/1/97

DEE M. CROWELL
PLANNING DIRECTOR
IAN K. COSTA
DEPUTY PLANNING DIRECTOR
TELEPHONE (808) 241-6677
FAX (808) 241-6699

September 26, 1997

Dennis M. Esaki
Esaki Surveying & Mapping, Inc.
1610 Haleukana Street
Lihue, Hawaii 96766

Subject: Consolidation of Lots 1475 and 1476, As Shown on Map
120, into Lot 1475-A at Lihue Puna, Kauai, Hawaii.
(S-97-45, Grove Farm Properties, Inc.)

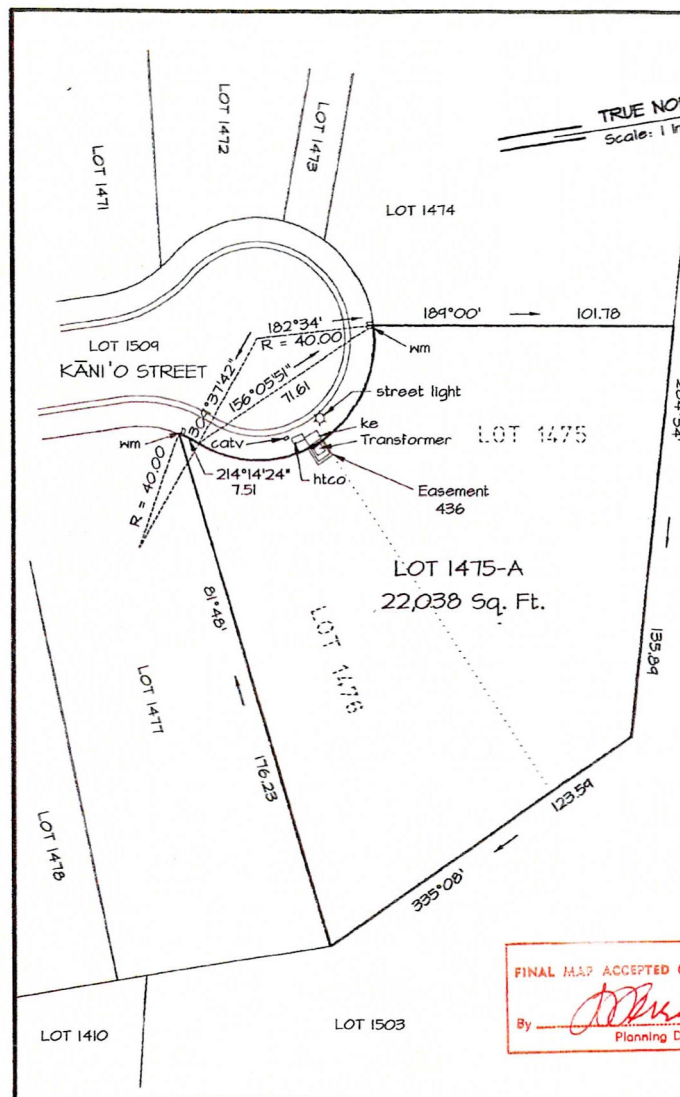
Subject subdivision was granted **FINAL APPROVAL** by the Planning
Commission at their meeting held on September 25, 1997.

Be advised that the final subdivision map or a metes and bounds
description of the subdivision must be recorded prior to or at
the time of conveyance of interest in any lot or parcel. If no
such recordation is made, all approvals shall become null and
void.

DEE M. CROWELL
Planning Director

cc: Public Works Dept.
Water Dept.
Health Dept.
Tax Maps Br.
Real Property Div.

MAP



TRUE NORTH
Scale: 1 in. = 40 ft.

LAND COURT

STATE OF HAWAII

LAND COURT APPLICATION 1087

CONSOLIDATION OF LOTS 1475 AND 1476
AS SHOWN ON MAP 120 INTO LOT 1475-A
AT LIHUE, PUNA, KAUAI, HAWAII

1610 HALEUKANA STREET
Lihue, Kauai, Hawaii
May 23, 1997



ESAKI SURVEYING AND MAPPING, INC.

By: [Signature]
Licensed Professional Land Surveyor
Certificate Number 4383
Land Court Certificate Number 1085

OWNER: GROVE FARM PROPERTIES, INC.
TRANSFER CERTIFICATE OF TITLE:

AUTHORIZED AND APPROVED BY ORDER OF THE JUDGE
OF THE LAND COURT DATED _____
BY ORDER OF THE LAND COURT.

FINAL MAP ACCEPTED ON AUG 28 1997
(Date)
By: [Signature]
Planning Department

REGISTRAR OF THE LAND COURT

This map was approved by the Planning
Commission of the County of Kauai, at their

meeting on SEP 25 1997

Approved by [Signature]
Chairman, Planning Commission
County of Kauai

Tax Map Key: 3-3-16: 62, 63
Yrelim. 5/28/97
Final. 8/6/97

10" x 15" = 1.04 Sq. Ft.

DEC 9 '24 PM 1:02
PLANNING DEPT

BELLES GRAHAM LLP

ATTORNEYS AT LAW

MAX W.J. GRAHAM, JR.
JONATHAN J. CHUN
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E-MAIL: mail@kauai-law.com

OF COUNSEL

MICHAEL J. BELLES
DAVID W. PROUDFOOT
DONALD H. WILSON

December 6, 2024

Via Hand Delivery

Mr. Kenneth Estes
Department of Planning
The County of Kauai
4444 Rice Street, Suite A473
Lihue, Hawaii 96766

Re: **Subdivision No. S-97-45**
Consolidation of Lots 1475 and 1476, as shown on
Map 120, into Lot 1475-A at Lihue, Puna, Kauai, Hawaii
Kauai Tax Map Key No. (4) 3-3-016-062 and 063
Applicant: John Richard Burkhalter & Lucille Vida Miller

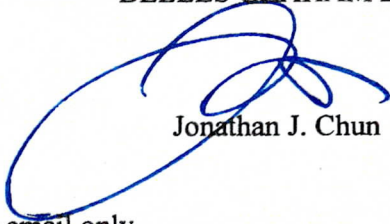
Dear Mr. Estes:

Pursuant to your request, enclosed is a clean copy of the subdivision map showing the Consolidation of Lots 1475 and 1476 for recertification by the Planning Commission at its meeting to be held in January. Once recertified, please return it to us to prepare the petition for filing with the Land Court of the State of Hawaii.

Please let us know if you have any questions.

Sincerely,

BELLES GRAHAM LLP

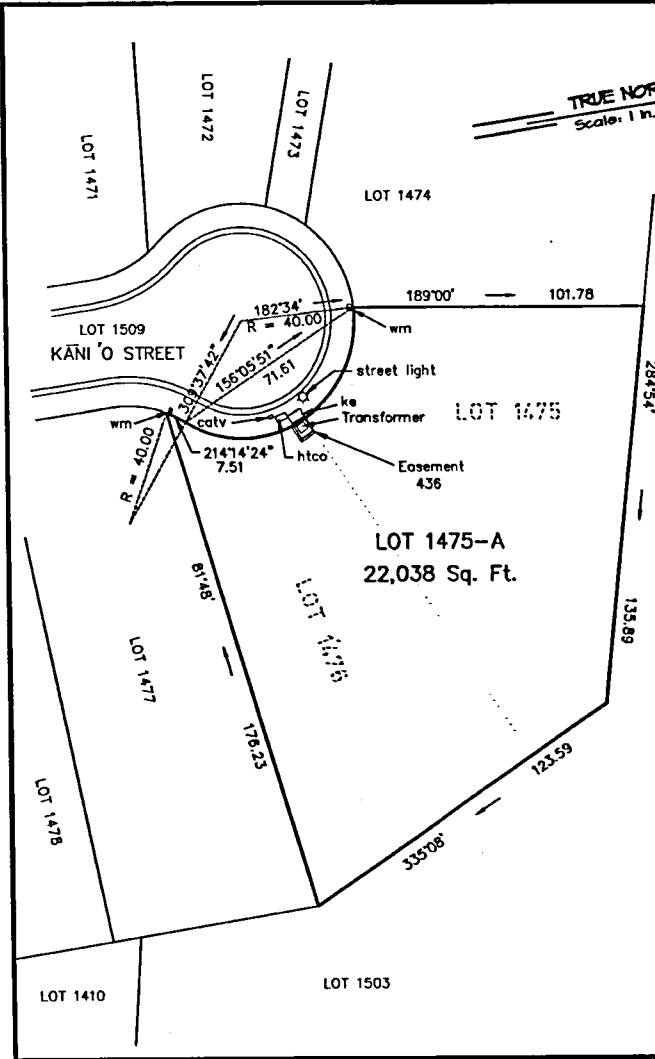


Jonathan J. Chun

JJC:so

cc: Dr. Joseph Chu, w/enc., via email only

MAP



LAND COURT
STATE OF HAWAII
LAND COURT APPLICATION 1087

CONSOLIDATION OF LOTS 1475 AND 1476
AS SHOWN ON MAP 120 INTO LOT 1475-A
AT LIHUE, PUNA, KAUAI, HAWAII



1610 HALEUKANA STREET
Lihue, Kauai, Hawaii
December 2, 2024

ESAKI SURVEYING AND MAPPING, INC.

By: Wayne T. Wade
 Licensed Professional Land Surveyor
 Certificate Number 4596
 Land Court Certificate Number 263

OWNER: JOSEPH HUAI-EN CHU
TRANSFER CERTIFICATE OF TITLE:

AUTHORIZED AND APPROVED BY ORDER OF THE JUDGE
OF THE LAND COURT DATED _____
BY ORDER OF THE LAND COURT.

REGISTRAR OF THE LAND COURT